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There is a reason for this quitting. Farm prices in just one year have dropped eight parity points, if I am correctly informed—from about 82 to 74 percent of parity, that partly representing prices received by the farmer as compared with prices and income received by those engaged in other segments of the economy.

They say that the farmer may not amount to much any more but, nevertheless, over 30 percent of all the people gainfully employed in this country depend upon agriculture for their livelihood today, either in the manufacturing of supplies, producing on the land, or in processing and handling the products of the farm.

Yet very little consideration is being given to the farmers. I do not believe that Congress has given enough consideration to the problems which confront our farmers. Many of our people are over in Europe undertaking to make arrangements for trade agreements. It seems that American agriculture may be simply a pawn to be used for the aggrandizement of some of our industrial people who have transferred much of their own production to Western Europe.

Thus I feel that the Senator from Florida has done well. We cannot afford to let agriculture go down hill.

I voted against the bill, day before yesterday, which had many good points in it, simply because that bill overlooks to transfer jurisdiction over agricultural colleges, the Extension Service, experiment stations, and agriculture research from the Committee on Agriculture and Forestry to a new Committee on Education, which in all probability will be made up almost wholly of nonfarm people, some of whom will have very little knowledge of agriculture—although I do not want to say that they are not knowledgeable in the fields of education or health.

I do not admit that American agriculture has been a failure. I think it has been one of the most outstanding successes in all history. American agriculture has not only given to the United States the highest standard of living the world has ever known but it has also driven famine from many countries in the world and has kept many a country from changing its very form of government. Yet it seems as if every agency of the executive branch of the Government wants to take jurisdiction over American agriculture. Certainly, the State Department would love to take it over and use it as an instrument in international negotiations.

The Department of Labor, as has been pointed out by the Senator from Florida, undertakes to run American agriculture by determining costs. The Interior Department already has taken over a good deal of the work and jurisdiction which used to belong to the Department of Agriculture. And, as I have pointed out, now the Department of HEW wants to get the rest of it.

Mr. President, when American agriculture goes down the drain—and there are many forces pushing it in that direction at the present time—it will be a very sad day for the United States.

Mr. HOLLAND. Mr. President, I express my great appreciation to the Senator from Vermont and say for the record that, as the ranking minority member of the Committee on Agriculture and Forestry, and also as an ex officio member of the Subcommittee on Appropriations for Agriculture, on both committees of which I have the honor to serve with the Senator from Vermont, he is fighting unceasingly for agriculture. The agricultural producers of this country have no better friend in Congress than the Senator from Vermont.

I agree entirely with the distinguished Senator that the amounts of the "upping" of the minimum wage as just announced by the Secretary are not of too great concern to many kinds of producers.

In fact, in his letter, the Secretary states that the average rate received by the citrus pickers of Florida last year was above \$2 and, therefore, that very important industry, so far as wages are concerned, is not directly affected.

So far as cane is concerned, he already admits that he cannot find any Americans who want to get down on their knees in the muck and with machetes cut down the cane; and he has, therefore, given us consent to bring in people from the areas where that is a customary procedure on their farms, in order to harvest our cane.

However, as in the case of vegetable producers and strawberry growers, we are witnessing great quantities of our tomato production, both from the eastern and western parts of the country, going to Mexico and other countries, simply because of the smaller cost of labor. We are also witnessing our strawberry producers going out of business, and other industries which I can mention being seriously and adversely affected by this insane policy of the Secretary of Labor, who rules the producers of perishable foods with such an iron hand.

Yet he goes to court when he is called before the U.S. district court in Orlando, Fla., and says that he has no authority in this matter at all, that all he can do is advise the immigration authorities as to whether they should let them in, and, therefore, he does not have to answer, in law, for what he is doing.

To me, this is a rather outrageous thing which this man is doing and has done to the producers of perishable, agricultural commodities in this Nation.

I remind the Senator from Vermont that I see here that his own State has turned periodically to Canada for woodcutters and apple pickers, beyond what

Vermont can furnish from its own population, and under the mandate of Secretary Wirtz, the rate is raised from \$1.30 an hour—which has been the rate prevailing since 1964—to \$1.50 per hour.

So I do not know whether that would seriously inconvenience them or not.

Mr. AIKEN. No.

Mr. HOLLAND. The fact is that the standard is set up one-half again as large as that set by Congress, in its wisdom, only last year. The Secretary of Labor allocated to himself the authority to do that.

I resent that. I protest as vigorously

as I can against any executive official setting up his discretion, his judgment, particularly in a field about which he knows very little as against the expressed judgment of Congress under a law it passed, and which was signed by the President.

Mr. AIKEN. It is not the rate for the apple pickers, because we cannot get them to work for \$1.50 an hour anyway; it is the fact that the orchardist has to get down on his knees and crawl half a mile to the Labor Department before he can get pickers at all to help him. It is not the price that bothers him. It is the system whereby the Secretary of Labor does everything he can to force the orchardist to take people from other areas. He tried to bring in people from Boston, Mass., a year ago, but that did not work out very well. They didn't want to pick apples. I do not believe they got more than half a dozen in all from that source.

Before I sit down—and I am ready to do so momentarily—I want to say to the Senator from Florida and the Subcommittee on Agricultural Appropriations, of which he is chairman, that his committee is almost the last bulwark between the American farmer and several forms of disaster.

Mr. HOLLAND. I thank my distinguished friend. All I can say is that if I happen to stand in that position, I am well supported by the Senator from Vermont and numerous others although they are too small in number. We were not able to get an even split in the Senate on the matter of transferring jurisdiction from the Secretary of Labor to the Secretary of Agriculture, who knows something about agriculture, when the matter of agricultural labor was before us. But we will keep trying. In the meantime, I call attention again to the fact that I think the current national administration has a very great responsibility in this matter. It accepted that responsibility when the Vice President voted to break the tie by which we would have approved the transfer. I am calling attention to it again today. I will continue to call attention to it from time to time during this session and as long as necessary until the matter is corrected.

There is no good judgment in permitting a part of the administration to do something which reflects discredit on the rest of the Government, from the President down, of which I am proud to be a part. I am complaining about the scurvy treatment given to producers of perishable food throughout the country, and shall continue as long as I am able to do so.

I want to say to my friend from Vermont that there is another thing that bothers me. Not only is agricultural income going down, but the percentage of the consumer dollar that is received by the producer of perishable crops generally is considerably below the level of the percentage of the dollar other agricultural producers receive.

The perishable producer has to observe so many safeguards and go through so many processes that when he gets his crops to the market he finds subtracted from the total price paid by the consumer the cost of many more things than in the case of the stable crops.

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Perishable crops are a large part of the necessary food supplies of this Nation and for our children, and it seems to me the producers of those perishable crops should be given better treatment than they are.

I close by mentioning another thing. The Senator from Vermont [Mr. Aiken] is a member of the Committee on Foreign Relations as well as the Committee on Agriculture and Forestry, and he sees both sides of this question. I think our abundance of the production of food not only helps to sustain in this country the highest standards of nourishment of any nation, but also permits us to ship many tons of food to countries in many areas of the world, and has prevented famine in important countries—important not only because human beings are affected, but important because they are democratic nations who are trying to keep their heads up. To treat producers of these agricultural products in this scurvy way, when our agricultural abundance is used in our foreign relations, is something which I cannot endure without speaking out. I am sure many others feel as I do and as the Senator from Vermont does.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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CONSULAR CONVENTION WITH THE SOVIET UNION

EXECUTIVE RESERVATION

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. Consular Convention between the United States of America and the Union of Soviet Socialist Republics, together with a protocol relating thereto, signed at Moscow on June 1, 1964 (Ex. D. 88th Cong., second sess.).

The Senate resumed the consideration of the convention.

Mr. MUNDT. Mr. President, I send to the desk executive reservation 1 on the Consular Convention with Russia, and call attention to the fact that this is in the nature of what I believe could be described as a good faith reservation.

The reservation deals with the matter of providing our consular officers in Russia with the right to call in the press to answer criticism made by Communist officials of that area on the spot where they are made—the same kind of exact reciprocal provisions, the same reciprocal conditions, and the same reciprocal practices which the Russian diplomatic corps now exercise in the city of Washington.

It also provides that there shall be freedom of expression, association, and reciprocity in connection with the num-

ber of newsmen, and the treatment of newsmen as they move back and forth between the two countries.

It seems to me that that should have been in the treaty as it deals with reciprocity. It is tremendously important that our people there have the same reciprocal advantages in Moscow that their people have here.

I ask unanimous consent that the full text of the reservation dealing with freedom of expression of the press and association may be printed in the RECORD.

There being no objection, the reservation was ordered to be printed in the RECORD, as follows:

EXECUTIVE RESERVATION 1

Reservation intended to be proposed by Messrs. MUNDT, DOMINICK, and Hruska to the resolution of ratification of the Consular Convention between the United States of America and the Union of Soviet Socialist Republics, together with a protocol relating thereto, signed at Moscow on June 1, 1964: Before the period at the end of the resolution of ratification insert a comma and the following: "subject to the reservation that no exchange of instruments of ratification of the convention shall be entered into on behalf of the United States until the Union of Soviet Socialist Republics shall have agreed (1) to permit the distribution to the Soviet press or any segment thereof by United States diplomatic and consular officers of announcements of United States public policy, both foreign and domestic, and answers to any criticism of such policy contained in the Soviet press, and (2) not to impose or enforce any limitation on the number of United States citizens permitted to be in the Soviet Union at any time as representatives of the United States press which would effectively reduce them below the number of Soviet press representatives entering the United States."

EXECUTIVE RESERVATION 2

This reservation would simply have the effect of deferring the applicable date of the treaty until we could be sure our boys were not needed there, or, if they were needed there, they were not being killed by weapons and supplies furnished by the other party to the treaty.

This reservation will not necessarily delay the ratification date, because we should recognize that the Soviet Presidium, the legislative body of the Soviet Union, has not yet ratified the treaty. There will be full time to ratify whenever that comes up for consideration.

I ask unanimous consent that the text of the reservation be printed in full at this point in the RECORD.

There being no objection, the reservation was ordered to be printed in the RECORD, as follows:

EXECUTIVE RESERVATION 2

Reservation intended to be proposed by Mr. MUNDT on behalf of himself and Senators MILLER, MURPHY, TOWER, CURTIS, COTTON, and Hruska to the resolution of ratification of the Consular Convention between the United States of America and the Union of Soviet Socialist Republics, together with a protocol relating thereto, signed at Moscow on June 1, 1964: Before the period at the end of the resolution of ratification insert a comma and the following: "Subject to the reservation that no exchange of instruments of ratification of this Convention shall be entered into on behalf of the United States, and the Convention shall not enter into force, until the President determines and reports to the Congress that (1) it is no longer necessary to assign members of the Armed Forces of the United States to perform combat duties in the defense of South Vietnam or (2) the removal of members of the Armed Forces of the United States from South Vietnam is not being prevented or delayed because of military assistance furnished North Vietnam by the Soviet Union."

EXECUTIVE UNDERSTANDING 1

Mrs. SMITH. Mr. President, I believe that many Members of the Senate are deeply concerned about the making of a treaty with a country that is providing the real backbone of the materiel and equipment for the aggressor in North Vietnam and Vietcong forces that are killing American servicemen in Vietnam.

I believe that many Members of the Senate do not wish to kill the proposed Consular Treaty with Russia even though they are deeply concerned about the fact that Russia is providing the materiel and equipment that is being used not only to kill American servicemen but also greatly bolsters the refusal of North Vietnam to respond to the offers of the President of the United States for a peaceful negotiation of the end of the war in Vietnam.

Because of this, I intend to propose an amendment to the resolution of ratification, which will provide an opportunity for Members of the Senate to clearly express themselves on this point and I send the proposed amendment to the desk and ask that it be ordered to lie on the table and to be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The understanding No. 1 is as follows:

EXECUTIVE UNDERSTANDING 1

Understanding intended to be proposed by Mrs. Smith to the resolution of ratification of the Consular Convention between the

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United States of America and the Union of Soviet Socialist Republics, together with a protocol relating thereto, signed at Moscow on June 1, 1964:

After the period at the end of the resolution of ratification add a new sentence as follows: "In giving its advice and consent to the ratification of this Convention, the Senate expresses its hope that before the United States consents to the opening by the Soviet Union of any consular establishment in the United States, an honorable conclusion will be achieved in the Vietnam conflict, whereby United States military forces will no longer be needed to perform combat duties in the defense of South Vietnam."

Mr. SCOTT. Mr. President, I rise, once more, to speak on behalf of the pending United States-Soviet Consular Convention.

In my first speech to the Senate on this subject, a little more than a month ago, I suggested that a great deal of the opposition was due to a misunderstanding of the convention and its provisions.

Subsequent developments have proven the truth of this prediction. My office has been bombarded with a stream of mail citing article 2 as "proof" that this convention authorizes and directs the opening of additional consulates here. It does not. What article 2 says is that—

A consular establishment may be opened in the territory of the receiving state—

But—and here is the important qualification that is often overlooked—only with the consent of the receiving state.

This, in essence, is nothing more than a restatement of the permissive authority to initiate reciprocal negotiations for this purpose already granted to the President under the U.S. Constitution. Thus, the Consular Convention has no direct bearing on this question.

This convention is nothing more and nothing less than a set of legal safeguards designed to govern consular operations between this country and the Soviet Union. For us, however, it represents an unusual opportunity to provide to Americans, assigned to and traveling in the Soviet Union, protections not now available. Of particular importance for our consular personnel is freedom from Russian criminal jurisdiction; of equal importance for private Americans, traveling and doing business in Russia, are the guarantees of immediate diplomatic notifications and access in cases of arrest.

In practice, this country already allows to Soviets accused of crimes here the same constitutional guarantees available to all Americans. Our citizens in Russia have no such protection, but the Consular Convention will be a vital step in this direction. I think it is worth noting, again, that the provisions of this convention represent unique concessions by the Russian Government. The Soviets, for the first time, will be extending to Americans, through this convention, protections not even given to Soviets in their own homeland.

Mr. President, I, for one, am growing tired of the argument that we should somehow "forget" those Americans who travel and do business in the Soviet Union and that "they shouldn't be there in the first place." We are told, "You should be worrying more about the 180

million Americans right here at home." Similarly, we are told that it is somehow "wrong" to consider this convention while engaged in a war against Communist aggression in North Vietnam.

Both arguments, I believe, ignore the realities of the current world situation. We cannot return to the isolationism of an earlier era; nor can we be guided by an assumption that total war is the only inevitability. Therefore, we must continue to seek those avenues, and those areas of negotiation which remain open to us, which offer some hope that the lasting peace we all seek between the Communist and non-Communist worlds can eventually be built. The Consular Convention, in my opinion, must be viewed in this light. I urge its approval.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. TALMADGE. Mr. President, in our consideration of the Consular Treaty it is imperative that we place foremost in our minds its possible effect on the security and future well-being of America.

In its present form, I do not believe that it would be wise or in the best interests of the United States for the Senate to give its advice and consent to this treaty. It is for this reason that I rise to urge the Senate to strike from the treaty, article 19, sections 2 and 3, which I believe to be the convention's most serious defect.

There are, of course, many pros and cons of the treaty and they are now being explored by the Senate, as well they should be. However, it seems clear to me that if we adopt this convention without correcting this significant deficiency, we stand to lose far more than we could gain.

On the plus side, the treaty would provide for protection of Americans in Russia in the event of arrest by Soviet authorities. Americans now traveling in Russia number close to 20,000 a year, and provisions of the treaty are designed to eliminate the threat of our citizens being arrested and held incommunicado in Soviet jails for long periods of time, and would allow U.S. officials to maintain contact with and counsel arrested Americans.

Russian citizens traveling in America total only about 900 a year.

Thus, at least in this regard, the treaty definitely leans in our favor.

Aside from the interest of our Government in establishing consulates in the Soviet Union, this is probably the most outstanding favorable provision of the convention.

However, notwithstanding this safeguard, it is nonetheless vitally important that we hold this treaty at arm's length and give it our most careful scrutiny.

I now come to what I believe to be the most compelling reason why the Senate should not accept this treaty as it now stands. I refer to provisions in the treaty, contained in article 19, sections 2 and 3, which would grant immunity to

Soviet consular officers and employees from criminal prosecution, both misdemeanor and felony.

Mr. President, never before in the annals of our Republic have we seen fit to grant to the consular officers or employees of any country total immunity from criminal prosecution. That immunity goes only to diplomatic officials and embassy officials. These provisions were instituted during the administration of George Washington, in 1790. Since that time, we have had friendships with many countries all over the face of the earth, but never during all that time have we granted absolute and complete immunity from prosecution to consuls, members of their staffs, or employees.

It is strange indeed that we should pick out the Soviet Union, which has given the world much trouble for the past 50 years, for this special privilege. This immunity would be absolute, Mr. President. For example, the janitor of a Soviet consular office could assassinate the President of the United States and, under the provisions of Article 19, what would be the remedy? What would be the result? The U.S. Government would be empowered only to declare him persona non grata and only to expel that Soviet subject, and he could go back to the Soviet Union, after having assassinated the President of the United States of America with impunity.

This treaty would set a dangerous precedent indeed by providing for the first time for unlimited exemption from criminal prosecution of consular personnel. In the past, consular conventions have allowed such an exemption only in misdemeanor cases and not felonies. Consular personnel are primarily economic officers and not diplomats, and it has never been construed by our government that they should be entitled to the same diplomatic immunity extended ambassadors and embassy staffs.

In short, consular officers have never been granted total immunity from criminal prosecution in all the history of our Republic, and they should not now be exempted from the jurisdiction of the State and Federal laws of our Nation.

It is inconceivable to me that the United States should enter into a bilateral treaty which would grant diplomatic immunity to consular officers of the Soviet Union when we have never done so before with any other nation, not even those most friendly to this country.

At a time when Americans are fighting Communist aggression and dying in Vietnam, and when the Soviet Union is helping to furnish the sinews of war to the Hanoi regime, I question the wisdom and propriety of, in effect, singling out the Soviet Union for special privileges not even afforded our allies. Moreover, we are dealing here with a nation that has won no prizes for honoring agreements. We have much historical evidence to indicate that the Communists will abrogate a treaty whenever it suits their purpose to do so.

While we consider granting special privileges and immunities to the Soviet Union, we would do well to keep these things in mind.

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Mr. President, I submit that the immunity provision is fraught with great peril.

It would significantly increase the danger to the U.S. internal security resulting from increased Soviet espionage.

Although the Russians need no invitation to conduct espionage and subversive activities in America, article 19 would surely encourage and enable them to enlarge the sphere of their spying and under these provisions they would be able to do so without fear of punishment, and without being liable for prosecution of any kind.

Staff members and employees of consulates, wherever they might be located in the United States, could rob, steal, commit murder, or perpetrate any heinous crime, and our authorities would be helpless to even bring them to trial and seek convictions. All we could do in effect would be to slap them on the wrist, declare them persona non grata and have them expelled from the country—which is about like locking the barn door after the horse has been stolen.

Consular officers could engage in espionage and subversion and attempt to entice U.S. citizens into committing high treason, and the best our Government could do would be to send them back home—after the security of the United States had already been breached.

Moreover, we have strong indications from the FBI that the establishment of more consulates in the United States would by itself make the Bureau's work more difficult, but the granting of diplomatic immunity to consular officials in various American cities would greatly multiply this problem.

In sum, this immunity once granted would amount to carte blanche authority to Soviet agents to violate our laws at will and to expand their espionage activities with impunity.

Moreover, there is still another very important consideration. If these immunity provisions are adopted, they would apply not only to Soviet consular personnel, but to consular officers and employees of some 27 other countries—including Yugoslavia and Rumania—with which the United States has consular agreements containing most-favored-nation clauses. It would in effect open a floodgate which I think most of us will agree should remain closed.

I is for these reasons, and I urge their careful consideration by the Senate, that at this time I ask the Senate to strike article 19, sections 2 and 3, from proposed convention and insert in lieu thereof the language of my amendment, which is identical to the language that our Government has used in providing for every consular office that has ever been established in these United States of America. Mr. President, it is amazing to me that we should establish a new policy, totally different from what has existed for almost 200 years, with the Soviet Union.

To illustrate that this idea apparently originated with the Soviet Union, the Soviets have apparently negotiated since that time with Great Britain a Consular Treaty similar to this, granting total and complete criminal immunity to Soviet

consular officers and employees stationed in Great Britain. But since the negotiation of that Consular Treaty, the British and the Soviets have had some troubles. A man by the name of Brooke, representing the British Government in the Soviet Union, was arrested. And the British have not ratified the treaty to date.

The Soviet Union also negotiated a similar treaty with the Japanese. I do not know whether Japan has yet ratified that convention or not. But that is the pattern. Mr. President. We deviate from a policy of almost 200 years with the Soviet Union, then the Soviet Union negotiates a similar treaty with Great Britain, which has not been ratified, and undertakes to negotiate a similar treaty with Japan.

For some reason, the Soviets apparently want their consular officers and employees throughout the world to be granted immunity from criminal prosecution, whatever the crime may be.

Imagine what information, what espionage, what crimes, Mr. President, could be handled by consular officers, staffs, and employees throughout the world, for the Soviet Union, when their agents are free and immune from any criminal prosecution whatsoever.

I hope that the Senate will agree to the amendment.

I deem some provisions of the treaty to be in the national interest, but I do not believe that an absolute grant of immunity from any criminal law by any State or any nation is in our best interest.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. HOLLAND. Mr. President, I congratulate the distinguished Senator from Georgia, who has, in my opinion, placed his hand upon the Achilles tendon in the heel of this treaty.

In order that it may appear in the Record that the committee in its judgment recognized but, for some reason, did not consider as too important the very facts which have been so eloquently pointed out by the Senator from Georgia, I read into the Record at this time the appropriate paragraph from the report of the majority of the committee as filed by the chairman of the committee, the distinguished Senator from Arkansas [Mr. FULBRIGHT]:

The provision of the convention which gives unrestricted immunity from criminal prosecution to consular officers and employees is a provision which has not been included heretofore in any consular convention or agreement to which the United States is a party. The United States now has consular conventions and agreements, containing a most-favored-nation clause, with 35 countries. Twenty-seven of these 35 have consular establishments in the United States employing a total of 577 personnel. Any of these 27 countries may, of course, request that such immunity be granted to their consular officers and employees providing they are willing to do likewise. On the basis of a preliminary survey conducted by our embassies in these 27 countries, however, it is estimated that only 11 countries would be interested in requesting such immunity so that only 290 foreign consular officers and employees would presently be affected.

Mr. President, it seems to me that the committee itself shows by this paragraph

that this is a provision which we may not overlook and, so far as the senior Senator from Florida is concerned, he is not going to overlook it.

I thank the Senator for his eloquent address.

Mr. TALMADGE. Mr. President, I thank my friend, the senior Senator from Florida, for his generous, personal remarks. I deeply appreciate his contribution.

The committee apparently brushed it over hurriedly, but they recognized as most unusual a change in the pattern of almost 200 years. Why we should pick out the Soviet Union to give this favored treatment, more favored treatment than we have ever given to any other nation on the face of the earth, is beyond my comprehension.

Mr. HOLLAND. Mr. President, we must remember that we are used to having this problem of diplomatic immunity in Washington, the Capital of our Nation, and in New York, the capital of the United Nations. But we are not used to having this problem in many cities of the United States in which consulates are already located which, prior to the opening of any Soviet consulate, could come under this provision of the treaty, if they wished to and were willing to be mutual in the matter.

I think trouble enough in this matter of diplomatic immunity has come up to embarrass the agents of other countries and our country many times in the 20 years in which I have served in the Senate.

We have trouble enough in Washington and New York where we are used to the problem.

How the problem would affect the peace and tranquility of the many cities throughout the Nation where consulates already exist and where consulates might exist in the future under this proposal, I am unable to say. But I do not believe they would be as able to cope with the problem as are the police, the Secret Service, the FBI and all the other manifold agents of our Government in Washington and New York.

I think we should strike this provision from the treaty.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield the floor.

Mr. MUNDT. Mr. President, to respond to the question that the distinguished Senator from Georgia asked himself as to how in the world this question of complete immunity could creep into a treaty of this kind, the testimony before the Foreign Relations Committee of the Senate is very precise on that point.

This was a provision that was insisted upon by Moscow. They insisted that this complete immunity, this totally unprecedented granting of immunity, be incorporated in the treaty.

It was not the suggestion of American consulates, although they yielded to the pressure of the Communists to put it in. That will be found in the hearings.

Mr. MORTON. Mr. President, along with all my colleagues, I have been receiving a tremendous amount of mail on this treaty.

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I have very carefully gone through the mail. It was a burdensome task and, I might say from my standpoint, not very pleasant, because one gets tired of being called everything under the sun and having people offer to send you rattlesnakes and whatnot. However, it was a necessary job to do.

Many very cogent, very carefully considered, and excellent questions were raised in the thousands of letters I have received in connection with this Consular Convention.

Mr. PERCY. Mr President, will the Senator yield?

Mr. MORTON. I shall yield, but before I yield, I wish to say that I have discovered that my colleague, the junior Senator from Illinois, has been going through his mail.

Illinois and Kentucky are neighbors. The only difference is that the State of Illinois has three or four times as many people as does Kentucky. So, I assume that the Senator has received four times as much mail as I have, and that he, too, has been studying the problem.

Mr. PERCY. Mr. President, as the Senator from Kentucky knows, I have received a good deal of mail, and I have discussed some of it with the distinguished Senator.

I receive about 1,000 letters a day from Illinois, and I would say that for the last 5 to 6 weeks, heading the list of the questions that continue to come up persistently is the question of the Consular Treaty and its ratification.

The mail divides itself sharply into two categories: those for and those against it.

I have received more than 7,000 letters from people who are against the treaty, and 46 from people in favor of the treaty.

Those who are against the treaty, I find, are again divided into two categories: those who are militant and well organized and are obviously channeled by organizations designed to put pressure on the Senators in the discharge of their responsibilities.

One man wrote me a letter and said:

I am in charge of organizing the correspondence coming to the Senate from northeastern Illinois, and I will not turn the spigot off until you stand up and say you will vote against the ratification of this treaty.

Other correspondence comes from citizens who are deeply disturbed, who have probing questions, and who are not motivated by anything other than their own consciences and their concern and interest for the well-being and security of the United States.

If the Senator from Kentucky does not mind, I should like to read a series of questions—some of which we have already discussed—that have been put to me and raised both in correspondence with me and in person by many citizens who have called on me.

The State of Illinois, like many other States of the country, has large ethnic groups that have come from Europe. Many of them have deep ties with other countries.

We have in Chicago the second largest Polish population of any city in the world. Chicago is the largest such city outside of Warsaw.

In Chicago we have large representative groups from every ethnic group, certainly from Eastern Europe.

These people are all deeply interested in this question. That is why my distinguished colleague, the senior Senator from Illinois, the majority leader, has perhaps spent more time, energy, effort, and thought on this one question than he has on many others that have come before the Senate, certainly this year.

The first question concerns the experience of Americans traveling abroad. I can speak with some feeling on this subject, having traveled through Eastern Europe about this time last year and having been delayed in Vilnius for several hours by the authorities. During the course of that questioning, I wondered what recourse I would have, as an American citizen, if they decided to detain me. We do not even recognize the areas I was in, so that the situation presented peculiar problems.

Can the Senator from Kentucky answer this question: Why do we need a treaty to obtain prompt notification of the arrest of American citizens in the U.S.S.R. and quick consular access to these Americans? Can we not simply demand this treatment on the basis of reciprocity?

Mr. MORTON. To be effective, such a "demand" would have to imply that if we did not get satisfactory notification and access rights for our citizens, we would hold Soviet citizens incommunicado when charged with crimes in this country. Under U.S. law, we cannot do this.

Our bargaining position would be further weakened by the fact that there are 20 times more Americans who travel in the U.S.S.R. than Soviets who travel here. While several American visitors run afoul of Soviet law or the Soviet police each year, we know of few cases of Soviet visitors—as opposed to Soviet officials resident here—who have been arrested or detained here.

Of course, we have demanded prompt notification and access to Americans detained in the Soviet Union in the past and will continue to do so in the future. But experience has shown that these demands do not bring the results we need, and that is why this treaty was negotiated. Obviously, we are in a far stronger position if we can base our demands on agreed treaty provisions than if we can only appeal on the basis of reciprocity or "fairplay."

Mr. PERCY. Can the distinguished Senator from Kentucky answer this question: Do we not already have a valid agreement to protect American citizens in the U.S.S.R. in the 1933 Litvinov agreement? Why do we need a new one?

Mr. MORTON. One of the letters exchanged by President Roosevelt and Soviet Foreign Minister Litvinov when the United States recognized the U.S.S.R., in 1933 committed both sides to the immediate negotiation of a consular convention—a commitment only followed up 26 years later. In the meantime, the Soviet Government unilaterally promised Americans in the U.S.S.R. treatment not worse than that enjoyed by the most-favored-nation—specifically, Germany—under a 1925 German-Soviet treaty.

The operative portion of this Soviet commitment is now extinct. Even if it were still valid it would not be adequate to enable us to give Americans in the U.S.S.R. the protection they need.

The Litvinov agreement's promise of most-favored-nation treatment was tied to the Soviet-German agreement of 1925, which contained specific guarantees of notification within 3 to 7 days and access "without delay." However, this treaty did not survive World War II, and prior to the signature of the United States-U.S.S.R. Consular Convention in 1964 there was no other Soviet treaty under which we could claim most-favored-nation treatment and obtain specific protections for Americans.

Even if the German treaty was still in force, and its provisions were applied to American citizens on a most-favored-nation basis, we would still need the United States-U.S.S.R. convention. The Soviets interpreted both the Litvinov agreement and the Soviet-German treaty as requiring notification and access only after the preliminary investigation, which can continue as long as 9 months. The United States-U.S.S.R. convention plugs up this loophole by specifying that both notification and access must be granted within four days from the time of arrest or detention.

Mr. PERCY. Would not the multilateral Vienna Convention on Consular Relations be a better vehicle for the regulation of United States-Soviet consular relations than the bilateral United States-U.S.S.R. Treaty?

Mr. MORTON. No, I do not believe it would, and three reasons are involved.

First, the Soviets have not signed the Vienna Convention, and we have no indication that they will do so. Therefore, it would not enter into force between the United States and the U.S.S.R. even if we ratified it.

Second, the limited immunities provisions of the Vienna Convention would not be adequate to protect American consular officers and employees whom we might send to the U.S.S.R.

Third, the Vienna Convention provisions on notification and access would not provide adequate protection for American travelers in the U.S.S.R. With no time limit spelled out within which notification and access must be granted, the Soviets could well continue to deny access to arrested Americans during the preliminary investigation—that is, for up to 9 months. In fact, the Soviets have interpreted treaties worded like the Vienna Convention in just this manner. The wording of the United States-U.S.S.R. convention eliminates this pitfall.

Mr. PERCY. I have received a number of comments from citizens of Illinois who ask, "Why should the Senate of the United States ratify this treaty when the Soviets have not?"

Is it true that the Soviet Union has not ratified the treaty; and if it has not, does the Senator from Kentucky have any assurance that it will ratify the treaty?

Mr. MORTON. The Soviets have not yet ratified this convention. It was we, not they, who proposed its negotiation, and they may expect us to act first for this reason. Also, it is not their practice

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to act first when dealing with Western governments. They have not ratified the consular conventions they have negotiated with the French, British, or Japanese, either, presumably because they are waiting for the other side to make the first move. They handled the ratification of the Limited Test Ban Treaty in a similar manner.

We have no reason to believe that the Soviets will not ratify this agreement after we do, assuming that it is not altered by reservations or understandings.

Mr. PERCY. Another question that has been raised frequently is, "Why do we not demand some concessions from the Soviet Union before we ratify this treaty?" Can we get any concession—in Vietnam or elsewhere—in return for our ratification of this treaty?

Mr. MORTON. This is not a treaty which gives the Soviets something they badly want and gives us less in return. It was the U.S. Government—not the Soviet Union—which proposed the convention. It was the U.S. Government which took the initiative in pushing for negotiations. We believe we have more to gain from ratification than has the U.S.S.R. We can no more expect the Soviets to pay a price for our ratification than they can expect us to make an important concession to them in return for their ratification.

Carefully negotiated bilateral agreements such as the Consular Convention must stand or fall on their own merits, for they themselves are the result of give and take, not the beginning point for negotiations.

Mr. PERCY. In cases where American citizens have been arrested since this treaty was signed, the Soviets have not granted us notification and access within the time limits specified in the convention. Is this evidence to the Senator from Kentucky that bad faith exists on the part of the Soviet Union?

(At this point, Mr. HARRIS assumed the chair as Presiding Officer.)

Mr. MORTON. The Soviets are not obligated by the provisions of this treaty—nor are we—until both parties have ratified it and it enters into force. We have not claimed that the Soviets are obliged to notify us within 1 to 3 days of the arrest of an American citizen and grant access to him within 2 to 4 days before the treaty enters into force. We have stressed that, on the basis of reciprocity, we expect prompt notification and access, and in fact Soviet performance in this regard has improved since the treaty was signed in 1964. Contrast, for instance, the case of Marvin Makinen—1961—no notification; four visits allowed in 2 years—or Peter Landerman—1963—prompt notification but only three visits within a year and a half—with those of Craddock Gilmour and Buel Wortham—October 1966—notification within 5 days, access within 10, and seven times thereafter.

Mr. PERCY. Do the notification and access provisions of this treaty provide real protection for American citizens?

Mr. MORTON. I believe so. Of course, this convention does not clear American tourists with immunity from

arrest. However, it does provide us with essential tools to protect them when they have been arrested or detained.

Unless we know an American is in difficulty abroad, we can do nothing to help him. Notification is essential to start the whole protective mechanism in motion in cases where an American citizen has been detained but no one on the scene is willing or able to tell the American Embassy about it. Further, the notification process brings a case to the attention of the highest levels of the foreign government quickly, where it can be considered from the point of view of foreign relations and national policy instead of from the narrow police point of view only.

I think there have been cases where American citizens were arrested in Russia and the Russian Government knew nothing about it in that they were local actions.

Access to arrest Americans in the U.S.S.R. is vital also. The consular officer has the opportunity to see whether the American is being treated decently and whether the investigation of his case is proceeding in accordance with Soviet law. More important, he can tell the American of the efforts which his Government and his friends and relatives are making to win his release. This kind of moral support can be very important to a prisoner in a foreign country, particularly in countries where standard interrogation techniques emphasize isolation from the outside world in an attempt to win cooperation. Also, the knowledge that an American consular officer will be repeatedly visiting a prisoner certainly has an effect on the attitude of the prison authorities.

Mr. PERCY. Mr. President, I have two remaining questions. This question has been asked of me many times, not in so much as a question, but as a statement which people have written to me.

It is their understanding that if we ratify this treaty, we would then be required to establish consulates at the request of all other Communist countries and grant their consular personnel immunity. Is this true or not?

Mr. MORTON. No. First, the ratification of this convention does not obligate us to permit Soviet consulates in the United States, let alone consulates of other Communist countries, not parties to the treaty.

Second, only one Communist country has consulates in the United States and a consular treaty with us giving most-favored-nation rights concerning immunity. This is Yugoslavia, which is not a member of the Warsaw Pact and whose independence we have supported over the years. While we have most-favored-nation provisions regarding immunity in a 19th century consular treaty with Romania, there are no Romanian consulates in the United States.

Third, ratification of this treaty with the U.S.S.R. in no way obligates us to negotiate consular treaties with other Communist states. If such treaties were to be negotiated, we would not be obliged to use the United States-U.S.S.R. Convention text as a model if we did not wish to. However, this gives us an element of choice.

Mr. PERCY. Lastly, on the floor of the Senate many questions have been raised with respect to subversion. I believe that this question is uppermost in the minds of many American citizens concerned about Soviet subversion in this country.

If we ratify this consular convention would we not be opening the floodgates to Soviet consulates—and Soviet subversion—throughout the hemisphere? How can we expect the weak nations of Latin America to resist Soviet pressures for consulates if we set the precedent?

Mr. MORTON. The countries of this hemisphere have never felt compelled to follow our lead in dealing with Communists: countries where they have seen their interests as different from ours. More than 33 years ago we set an important precedent by recognizing the U.S.S.R. and establishing diplomatic relations. To date, only six of the 22 countries of Latin America and the Caribbean—including Cuba—have followed our lead. We understand that a Soviet consulate will be opened in Canada this year.

Mr. PERCY. Mr. President, I wish to conclude by indicating that I do not wish to leave any impression, by asking what might be termed antagonistic questions, that I am in any respect unfriendly to this treaty.

I have searched my mind and my conscience as thoroughly as I can, and I have resolved to stand foursquare behind the ratification of the treaty by the Senate. I have great regard for Senators who have chosen the other side. They are men of deep conviction and men who have been asking penetrating questions which should and must be answered.

I think the able and distinguished Senator from Kentucky provided answers to many of these questions that have disturbed not only many of my colleagues but many other loyal and dedicated American citizens. I commend him for the perception and thoroughness of his answers.

I think that today we are living in a world of great risk. I think we must decide whether we are going to move forward with the progress that is being made by many of our friends and allies in Europe or whether we are going to stand back; whether we are going to continue to wage cold war, or recognize that the Iron Curtain of the days of Stalin has already been perforated and can be perforated more effectively by interaction and contact with the Western World.

I have no fear that the power of our ideas and institutions is what the Soviets fear the most.

This opportunity that we now have to penetrate, to learn, to have our people proceed with greater safety as they travel about the Soviet Union, and to have our people learn more about what is going on in that part of the world will be the first step. I think that this will be the first of many steps that we must take.

The big question before us is whether the advantage is our way or the other way. This is the question I think all of us are conscientiously asking ourselves. I have answered that question to

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my satisfaction. I am convinced that the advantage is in favor of the free nations of the Western World and the United States. Before taking this position in Washington, I took it before the Republican State Convention in Detroit 2 weeks ago.

I wanted to take that position in the Midwest, in a Midwestern city, whose roots go back to Western and Eastern Europe. Although there were some boos in that audience—and I do not respond to boos any better than anyone else—I have a deep conviction that as this debate is carried on, the overwhelming weight of evidence will be on the side of our taking this next step forward in an attempt to find a way to live in a dangerous world, and to live in it effectively and well. Mr. President, this step will strengthen the United States and everything we stand for and believe in.

I believe that we can say with conviction that we have nothing to fear by a dozen or 15 Soviets coming here: There are 1,000 Soviets here already. However, if we can take one institution, one idea to the world abroad—and I think this will help us do that—I believe it will help give freedom to people who desperately crave it. Next we should increase contacts with the people of Eastern Europe. The more contact we have with them, the better it will be for all the people who desire freedom.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. JAVITS. I welcome the leadership which the Senator from Kentucky has taken in this matter. I hope that this is a good precursor for the future. The tradition of the Senate is that Senators lead on issues. The question of party regularity and party discipline, fortunately for the people of this country, is interpreted in that sense, especially on an issue of foreign policy. Bipartisanship developed on this side of the aisle under the inspired leadership of Arthur Vandenberg. It is, therefore, a source of tremendous satisfaction to me that a Senator of such skill and experience as the Senator from Kentucky, generally considered in the country to be moderate in his views, has taken the position he has upon this matter. The Senator from Kentucky inspires real confidence in the country by his espousal of this cause.

I, too, should like to address myself to the remarks made by the Senator from Illinois [Mr. PERCY]. It is not easy to come into this body as a new Senator and plunge immediately into the great affairs of the world, especially when one's colleague is the minority leader. But, we cannot keep quiet here. The Senator from Illinois represents, in part, 8 or 9 million people in his State—perhaps it is 10 million—and those people demand representation. To expect the conventions of the past to be observed, where a new Member is seen and not heard, is simply denying to constituents the representation to which they are entitled.

The Senator from Illinois [Mr. PERCY] is not a man of that kind. He came to the Senate to do a job in highest conscience, and he is doing it. I have been

uplifted and I think that the country will be uplifted by the eloquence of his words and the depth of his understanding as a truly enlightened American business leader.

Speaking for myself, with leave of the Senator from Kentucky, let me say that there are three important points which stand out as discussed by the Senator from Kentucky, on which I should like to ask him some questions.

The first is on the question of immunity from all kinds of prosecution, which is unique in this treaty. Is it not a fact, I ask the Senator, that we are inclined to be myopic on this question? To give a relative example, when we talk about the veto being exercised by the Russians in the United Nations, is it not a fact, from the Senator's own experience, that this country would not have approved membership of the United States in the United Nations, or agreed to its charter, if the standing, permanent veto had not been incorporated therein?

Is it not a fact that we would not send our people into the Soviet Union, unless they had complete immunity, because we would be afraid that they would be picked up on some nonsensical charge—such as the Senator mentioned—and they could be put in jail for life.

Mr. MORTON. The Senator is correct on both observations. It is a fact that although I was not a Member of Congress at the time the United Nations Charter was adopted, the veto was included so that we could get it through the Senate. Any historian knows that to be a fact. It is also a fact that I would hate to recommend a constituent of mine going to Russia as a clerk, telephone operator, or secretary, to work in a consulate in any city in Russia without having the kind of immunity which is envisaged in this agreement.

Mr. JAVITS. I thank my colleague and I thoroughly agree with him.

The next thing I would like to ask him bears on this question: It is said that Russia is up to its armpits in Vietnam. They are. I have been challenged on the floor by the distinguished chairman of the Committee on Foreign Relations on this fact, but I still maintain that the overwhelming supply of sophisticated and large materiel of war going to North Vietnam is being sent there by the Soviet Union.

Mr. MORTON. The Senator is correct.

Mr. JAVITS. Their ships are in the majority traveling into Haiphong Harbor. We admit that. The argument is conveyed that we should not ratify this treaty until Russia ceases to aid North Vietnam.

I ask the Senator this question: Is it not a fact that in Korea, at the very time we were negotiating with the Chinese at Panmunjom, the fighting was going on all the time and American casualties were being incurred? But that did not deter us. Is it not a fact, too, that if North Vietnam offered to negotiate now, we would negotiate with them, even though there were no cease-fire?

Mr. MORTON. That is correct. I was in the State Department at the time the cease-fire on Korea was finally ne-

gotiated, and we suffered 90,000 casualties after we started negotiating. If we had said, "Oh, we are never going to talk to you until you do something about stopping the war," we would still be fighting there.

Mr. JAVITS. We are living in a crazy world, and I am willing to call it that; but, nonetheless, we have to live in it. If we expect, somehow or other, to come ultimately to an accommodation with these people who are, to use curbstone language, the most "nuts," we have got to meet some of the conditions that are realistic. If we say that the Russians have got to get out of helping North Vietnam or there will be no treaty, then on that basis there would have been no nuclear test ban treaty, no disarmament, there would not have been any Antarctic treaty, and there would be no treaty now. Neither would there be one on weaponry in outer space. We would have nothing. We would be proceeding on the same old treadmill, keeping on the restrictions which we would threaten to keep on until we could arrive at a stage where we could come to some kind of agreement.

Mr. MORTON. The Senator is correct. As the Senator from Illinois [Mr. PERCY] pointed out, we must, somehow, perforate the Iron Curtain. I think we are beginning to do it. We will come to an accommodation and an honorable peace in Vietnam, in my judgment, much sooner by taking the attitude, "All right, let us get together on some things that we can agree on," rather than saying, "We will wait and see. Until your position changes, or you quit fighting, we are not going to speak to you."

Mr. JAVITS. Another point I should like to ask my distinguished colleague is on the question of a detente with the Soviet Union. Does the Senator, in view of the history of this consular treaty, the length of time it has been negotiated, and the fact that we have this treaty on the "front burner," another one on the "back burner"—to wit, control of outer space with respect to weaponry; and yet a third one being readied on a nonproliferation treaty—and, I hope, many more being negotiated—does not the Senator feel that if we put the brake on now and stop on this one, we would be jeopardizing all the other things which might conceivably be done to bring some peace to this aching world; that the Russians would take it that the position of the United States had hardened against them, and so would Europe, because Europe is all for a detente and, therefore, that the United States might as well be counted out?

Mr. MORTON. I agree completely with the Senator from New York. If we put the brake on this one, it will put us back, in my judgment, 10 or 15 years back to the days of Stalin, back to the days when there really was an Iron Curtain that did not have any loopholes.

Mr. JAVITS. My final question is this: We are all adults. We are all over 21 years of age. Senators get elected and have to be reelected at given times. Yet, we are told that if we approve this treaty, it will mean that we are going down the road to becoming vulnerable to

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the Russians, they will overreach us, and we will approve everything they hand us including denuding us of the atomic bomb. Does the Senator really believe that this is any credible argument, and that a Senator like myself, the Senator from Illinois [Mr. PERCY], and other Senators in the Chamber who are likely to vote for this treaty, and I hope and pray that they will—will be perfectly ready to stop this treaty, the next one, even on outer space, if we do not like what the Russians are doing?

Mr. MORTON. I intend to vote on each treaty that will be coming up, as long as I happen to be a Member of the Senate, without regard to how I may have voted on any previous treaty.

I have just become member of the Committee on Aging. Thus, Senators can see what is happening to me. I do not know how long I will be in the Senate, but I am in on it now, and that question will be occupying a great deal of my time and a great deal of my thought—more so than it has in the past, let me say.

Mr. JAVITS. I thank my colleague very much for his answers. I should like to state that on those grounds disclosed by this colloquy, and the fine statement of the Senator from Kentucky and the Senator from Illinois, I shall vote for ratification of this treaty. I hope that the Senate will do so.

What is even more important than that, I hope that these questions and answers will go out to the country as reassurance—to wit, notwithstanding what the people may hear in opposition, that we have not lost our minds or our patriotism, that we understand what is at stake, what is involved, and that we are responsible for our reasons for thinking this way, against the views of the opposition, that we feel that this is the way in which to forward progress and peace.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MORTON. I am glad to yield.

Mr. HRUSKA. It was very gratifying to hear the very capable answers of the Senator from Kentucky to the questions propounded by the distinguished Senator from Illinois. We all know the Senator from Kentucky served with distinction and great competency in the Department of State, and we value his thoughts on so many of these questions. I was pleased to hear the question asked as to whether the notification and access provisions of this treaty provide real protection for American citizens.

I believe the Senator from Kentucky was present on the floor on January 31 when it was represented that this consular convention gives to American citizens arrested and jailed in Russia rights which are superior to those of citizens of Russia itself. Whether the Senator from Kentucky was present at that time or not, does he agree with the accuracy of that statement?

Mr. MORTON. I believe such a representation was made. I think I read it in the RECORD.

Mr. HRUSKA. This representation was made:

Under this convention he (an American citizen) would have more rights than Soviet citizens. He would be entitled to a lawyer,

and entitled to be sprung from the pokey in 3 days. Who is more likely to be stuck in the pokey: 18,000 Americans traveling over there or 900 Russians over here?

Is that provided under the Consular Treaty? Is there anything that creates or even assures that Americans jailed in Russia for any reason would receive rights superior to rights given to Russian citizens—which do not include the right to a lawyer, the right to a jury trial, the right to bail, or even prompt investigation or being charged with any specific crime, which can last for years or months?

Mr. MORTON. Nine months for Russian citizens, and, without this treaty, 9 months for American tourists.

Mr. HRUSKA. At any rate, where is the assurance that Americans would get rights not given even to Russian citizens?

Mr. MORTON. It may be that it will not work out that way in practice, but it might encourage Russian citizens to get better rights in court which they do not have at the present time, and which the American people have.

Mr. HRUSKA. May God speed the day, but there is no indication they are going to grant those rights to its citizens.

Mr. MORTON. I hope God may speed the day. I am enough of an optimist to think that the American Government as an example of government will prevail even behind the Iron Curtain.

Mr. HRUSKA. That the American system of jurisprudence will even prevail behind the Iron Curtain?

Mr. MORTON. I say, I am hopeful some day this will happen.

Mr. HRUSKA. I hope so, too.

Then a question was asked with respect to whether or not we do not already have a valid agreement to protect American citizens in the U.S.S.R. in the 1933 Litvinoff agreement, and why we need a new one.

May I ask the Senator, for clarification, has it been set forth that the Litvinoff agreement is operative and in existence?

Mr. MORTON. The Litvinoff agreement was based on the most favored nation clause, which had its basis in a 1925 treaty between Germany and Russia. That treaty between Germany and Russia became nonoperative after World War II—in fact, during the inception, I understand, of World War II, or at least after the inception of hostilities between Hitler's Germany and Russia. The Litvinoff agreement or exchange of letters between President Roosevelt and Foreign Minister Litvinoff, if my memory serves me correctly, did have its substance in the most favored nations agreement, and that went back to the 1925 treaty between Germany and Russia.

The Senator from Vermont [Mr. AIKEN] is present. He is a member of the Foreign Relations Committee. He can probably correct me if I am wrong, but I think that is the history of it.

Mr. HRUSKA. I have made diligent inquiry of the Department of State and was not able to get any specific answer as to the abrogation of the Litvinoff letters of 1933.

Mr. MORTON. The Senator can well understand that if the letters were based on a treaty which existed between Ger-

many and Russia dated in 1925, this treaty arrangement ceased to exist after World War II began. Do not get me in the wrong position. Please do not have me defending the State Department. I left the Department some years ago, and I am not going to be its advocate now. I will turn that job over to the senior Senator from Vermont [Mr. AIKEN], senior Republican member on the Foreign Relations Committee.

Mr. HRUSKA. My recollection is that the Litvinoff papers—and I may be remiss in not having my memory sharpened a little—

Mr. MORTON. I am sure the Senator's memory is much better than mine on this matter.

Mr. HRUSKA. But the Senator will probably remember that on November 16 a letter was sent by President Roosevelt to Mr. Litvinoff—

Mr. MORTON. Was that in 1934?

Mr. HRUSKA. No, 1933. The letter stated that the rights specified in the above paragraphs would be granted to American nationals immediately upon the establishment of relations between our two countries. It does not say anything about when they would start to negotiate or when the rights would be enjoyed and be granted to Americans.

I do not want to say that is the final word, but I do know that on several occasions the Department of State relied upon these letters, in more recent years, in saying that in addition to this reciprocity, there is this outstanding agreement on the part of the U.S.S.R. to accord those rights to American nationals and that therefore we are holding them responsible for this obligation.

Mr. MORTON. Yes; we have used that argument repeatedly in intervening for the release or prompt trial of fellow Americans. I think any Secretary of State would have been negligent if he had not used every possible means to try to get American nationals to the bar of justice promptly and see that justice prevailed. But that does not mean we necessarily had that right. The Senator has tried many lawsuits, and I am sure he has used every device he could. He is one of the most brilliant lawyers in this body, and I am sure he has used such devices in behalf of his client, even though he knew he had a bad case.

Mr. HRUSKA. It might seem strange that this convention is requested when we have an agreement virtually the same as the pending consular convention with respect to notification and access and it is ignored and not honored by the U.S.S.R., but now it is said we are going to enter into an agreement which has the same provision in it. Later in the debate I am sure this point will be brought out in more detail, but this point should be borne in mind and clarified. If it has not worked for 34 years in the past, there is no reason to think it will work for 30 years in advance.

With respect to the remarks made by the Senator from New York [Mr. JAVITS], that perhaps such a treaty may be a means to ease tensions, and that perhaps we can enter into some kind of arrangement for peace, I point out that only last October 15, the press reported that Mr. Brezhnev, the Soviet Communist

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Party leader, in a speech at a Soviet-Polish friendship meeting, said it would be vain to expect or to have any idea that our relationships on any score or at any level between the U.S.S.R. and the United States could improve until the United States ceased hostilities in Vietnam. He called such hopes "a strange and persistent delusion." That is at strange variance with the idea that a treaty of this kind, which has been variously described as not very important, as innocuous, as insignificant, may be proof that we are making progress, in view of that flat and stately announcement made by Mr. Brezhnev.

Mr. MORTON. Mr. President, before I yield the floor, I wish to point out to the Senator page 162 of the hearings on this convention, which has a letter addressed to the distinguished chief of staff of the Committee on Foreign Relations, the Honorable Carl Marcy, signed by Douglas MacArthur II, which I think might cover some of the points we have debated. If I am factually in error, I apologize to the Senator.

Mr. HRUSKA. I am grateful for the reference, and if I am in error, I should like the record set straight.

Mr. MORTON. I am sure the Senator is not.

Mr. HRUSKA. I am more likely to be than the Senator from Kentucky.

Mr. MORTON. Mr. President, I ask unanimous consent that the letter appearing on pages 162 and 163 of the transcript of the hearings on the Consular Convention, signed by Douglas MacArthur II, our Assistant Secretary of State, addressed to the Honorable Carl Marcy, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington.

Hon. CARL MARCY,
Chief of Staff, Foreign Relations Committee,
U.S. Senate, Washington, D.C.

DEAR MR. MARCY: Thank you for your letter of February 28, 1967, in which you pass on the Foreign Relations Committee's inquiry as to when and by what communication the "Litvinoff agreement" of 1933 was abrogated by the Soviet Union. Your reference presumably is to Foreign Minister Litvinoff's letter to President Roosevelt of November 16, 1933, in which the Soviet Union promised unilaterally to extend to American nationals the provisions for consular notification and access contained in the Soviet-German Agreement Concerning Conditions of Residence and Business and Legal Protection of October 12, 1925. I am attaching a copy of Mr. Litvinoff's letter which included the pertinent extracts from the Soviet-German Agreement of 1925.

The Soviet-German Agreement was never, to our knowledge, formally abrogated. It ceased to have effect, however, upon the outbreak of armed hostilities between the two countries during World War II, when each country withdrew its diplomatic and consular personnel. After the war, and the occupation and division of Germany, the pre-war Soviet-German Agreement was not revived. Instead the Soviet Union negotiated new Consular Treaties with both the Federal Republic of Germany and the so-called "German Democratic Republic"—neither of which contain any guarantees of consular notification or access to arrested nationals. I am attaching a copy of Article 17 of the

Soviet Agreement of 1958 with the Federal Republic of Germany.

The post-war legal situation with respect to consular protection of American citizens in the Soviet Union, prior to the 1964 signature of the U.S.-U.S.S.R. Consular convention now pending before the Senate, may thus be summarized as one in which there were no Soviet treaties in force to which the Litvinoff most-favored-nation pledge could attach. This was one of the reasons that persuaded the Department to negotiate the 1964 Convention, containing as it does clear and explicit guarantees of consular notification and access.

The Litvinoff pledge itself, for what it was worth, has also never been formally withdrawn. However Mr. Litvinoff's letter linked the Soviet pledge to the stated expectation that the two countries would "immediately" negotiate a consular convention on the same subject. As you know, this expectation was not fulfilled since no convention was negotiated to agreement until more than thirty years later. The Soviets have long been in the position plausibly to maintain that the Litvinoff pledge was merely an interim undertaking which lapsed upon the failure of the parties "immediately" to negotiate a consular convention.

The legal deficiencies of the "Litvinoff agreement" were among the reasons persuading the Department that the time had come to conclude a treaty containing clear and unequivocal provisions giving us the rights of notification and access in cases of Americans arrested in the Soviet Union. These provisions are essential if American citizens traveling in the Soviet Union are to be afforded the consular protection they deserve. The 1964 Consular Convention and its Protocol achieve this purpose by making it unambiguously clear that notification and access must be granted within four days from the time of arrest or detention of an American national and on a continuing basis thereafter.

If I can be of further assistance, please do not hesitate to let me know.

Sincerely yours,

DOUGLAS MACARTHUR II.
Assistant Secretary for Congressional
Relations.

Mr. HRUSKA. If the Senator from Kentucky will permit, could that include the letter addressed to Mr. Franklin D. Roosevelt and signed by Maxim Litvinoff, which begins also on page 163?

Mr. MORTON. Yes; I think that, too, should me included.

Mr. HRUSKA. Was that included in the Senator's offer?

Mr. MORTON. No; I did not request it, but I should be happy for the Senator's request to be complied with.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the letter from Maxim Litvinoff, People's Commissar for Foreign Affairs, Union of Soviet Socialist Republics, addressed to Franklin D. Roosevelt, President of the United States, dated November 16, 1933, which appears at pages 163 and 201 of the transcript of hearings on the Consular Convention, together with President Roosevelt's reply of the same date, which appears at page 202, and the letter from Litvinoff to Roosevelt of the same date appearing at pages 200 and 201 of the transcript, be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WASHINGTON, November 16, 1933.

MR. FRANKLIN D. ROOSEVELT,
President of the United States of America,
The White House.

MY DEAR MR. PRESIDENT: Following our conversations I have the honor to inform

you that the Soviet Government is prepared to include in a consular convention to be negotiated immediately following the establishment of relations between our two countries provisions in which nationals of the United States shall be granted rights with reference to legal protection which shall not be less favorable than those enjoyed in the Union of Soviet Socialist Republics by nationals of the nation most favored in this respect. Furthermore, I desire to state that such rights will be granted to American nationals immediately upon the establishment of relations between our two countries.

In this connection I have the honor to call to your attention Article 11 and the Protocol to Article 11, of the Agreement Concerning Conditions of Residence and Business and Legal Protection in General concluded between Germany and the Union of Soviet Socialist Republics on October 12, 1925.

ARTICLE 11

Each of the Contracting Parties undertakes to adopt the necessary measures to inform the consul of the other Party as soon as possible whenever a national of the country which he represents is arrested in his district.

The same procedure shall apply if a prisoner is transferred from one place of detention to another.

FINAL PROTOCOL

Ad Article 11

1. The Consul shall be notified either by a communication from the person arrested or by the authorities themselves direct. Such communications shall be made within a period not exceeding seven times twenty-four hours, and in large towns, including capitals of districts, within a period not exceeding three times twenty-four hours.

2. In places of detention of all kinds, requests made by consular representatives to visit nationals of their country under arrest, or to have them visited by their representatives, shall be granted without delay. The consular representative shall not be entitled to require officials of the courts or prisons to withdraw during his interview with the person under arrest.

I am, my dear Mr. President,
Very sincerely yours,

MAXIM LITVINOFF,
People's Commissar for Foreign Affairs,
Union of Soviet Socialist Republics.

WASHINGTON, November 16, 1933.

MY DEAR MR. LITVINOV: I thank you for your letter of November 16, 1933, informing me that the Soviet Government is prepared to grant to nationals of the United States rights with reference to legal protection no less favorable than those enjoyed in the Union of Soviet Socialist Republics by nationals of the nation most favored in this respect. I have noticed the provisions of the treaty and protocol concluded between Germany and the Union of Soviet Socialist Republics on October 12, 1925.

I am glad that nationals of the United States will enjoy the protection afforded by these instruments immediately upon the establishment of relations between our countries and I am fully prepared to negotiate a consular convention covering these subjects as soon as practicable. Let me add that American diplomatic and consular officers in the Soviet Union will be zealous in guarding the rights of American nationals, particularly the right to a fair, public, and speedy trial and the right to be represented by counsel of their choice. We shall expect that the nearest American diplomatic or consular officer shall be notified immediately of any arrest or detention of an American national, and that he shall promptly be afforded the opportunity to communicate and converse with such national.

I am [etc.]

FRANKLIN D. ROOSEVELT.

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THE SOVIET COMMISSAR FOR FOREIGN AFFAIRS
(LITVINOV) TO PRESIDENT ROOSEVELT

WASHINGTON, November 16, 1933.

MY DEAR MR. PRESIDENT: In reply to your letter of November 16, 1933, I have the honor to inform you that the Government of the Union of Soviet Socialist Republics as a fixed policy accords the nationals of the United States within the territory of the Union of Soviet Socialist Republics the following rights referred to by you:

1. The right to "free exercise of liberty of conscience and religious worship" and protection "from all disability or persecution on account of their religious faith or worship".

This right is supported by the following laws and regulations existing in the various republics of the Union:

Every person may profess any religion or none. All restrictions of rights connected with the profession of any belief whatsoever, or with the nonprofession of any belief, are annulled. (Decree of Jan. 23, 1918, art. 3.)

Within the confines of the Soviet Union it is prohibited to issue any local laws or regulations restricting or limiting freedom of conscience, or establishing privileges or preferential rights of any kind based upon the religious profession of any person. (Decree of Jan. 23, 1918, art. 2.)

2. The right to "conduct without annoyance or molestation of any kind religious services and rites of a ceremonial nature".

This right is supported by the following laws:

A free performance of religious rites is guaranteed as long as it does not interfere with public order and is not accompanied by interference with the rights of citizens of the Soviet Union. Local authorities possess the right in such cases to adopt all necessary measures to preserve public order and safety. (Decree of Jan. 23, 1918, art. 5.)

Interference with the performance of religious rites, in so far as they do not endanger public order and are not accompanied by infringements on the rights of others is punishable by compulsory labour for a period up to six months. (Criminal Code, art. 127.)

3. "The right and opportunity to lease, erect or maintain in convenient situations" churches, houses or other buildings appropriate for religious purposes.

This right is supported by the following laws and regulations:

Believers belonging to a religious society with the object of making provision for their requirements in the matter of religion may lease under contract, free of charge, from the Sub-District or District Executive Committee or from the Town Soviet, special buildings for the purpose of worship and objects intended exclusively for the purposes of their cult. (Decree of April 8, 1929, art. 10.)

Furthermore, believers who have formed a religious society or a group of believers may use for religious meetings other buildings which have been placed at their disposal on lease by private persons or by local Soviets and Executive Committees. All rules established for houses of worship are applicable to these buildings. Contracts for the use of such buildings shall be concluded by individual believers who will be held responsible for their execution. In addition, these buildings must comply with the sanitary and technical building regulations. (Decrees of April 8, 1929, art. 10.)

The place of worship and religious property shall be handed over for the use of believers forming a religious society under a contract concluded in the name of the competent District Executive Committee or Town Soviet by the competent administrative department or branch, or directly by the Sub-District Executive Committee. (Decree of April 8, 1929, art. 15.)

The construction of new places of worship may take place at the desire of religious societies provided that the usual technical

building regulations and special regulations laid down by the People's Commissariat for Internal Affairs are observed. (Decree of April 8, 1929, art. 45.)

4. "The right to collect from their co-religionists . . . voluntary offerings for religious purposes."

This right is supported by the following law:

Members of groups of believers and religious societies may raise subscriptions among themselves and collect voluntary offerings, both in the place of worship itself and outside it, but only amongst the members of the religious association concerned and only for purposes connected with the upkeep of the place of worship and the religious property, for the engagement of ministers of religion and for the expenses of their executive body. Any form of forced contribution in aid of religious associations is punishable under the Criminal Code. (Decree of April 8, 1929, art. 54.)

5. Right to "impart religious instruction to their children either singly or in groups or to have such instruction imparted by persons whom they may employ for such purposes."

This right is supported by the following law:

The school is separated from the Church. Instruction in religious doctrines is not permitted in any governmental and common schools, nor in private teaching institutions where general subjects are taught. Persons may give or receive religious instruction in a private manner. (Decree of Jan. 23, 1918, art. 9.)

Furthermore, the Soviet Government is prepared to include in a consular convention to be negotiated immediately following the establishment of relations between our two countries provisions in which nationals of the United States shall be granted rights with reference to freedom of conscience and the free exercise of religion which shall not be less favorable than those enjoyed in the Union of Soviet Socialist Republics by nationals of the nation most favored in this respect. In this connection, I have the honor to call to your attention Article 9 of the Treaty between Germany and the Union of Soviet Socialist Republics, signed at Moscow October 12, 1925, which reads as follows:

"Nationals of each of the Contracting Parties . . . shall be entitled to hold religious services in churches, houses or other buildings, rented, according to the laws of the country, in their national language or in any other language which is customary in their religion. They shall be entitled to bury their dead in accordance with their religious practice in burial-grounds established and maintained by them with the approval of the competent authorities, so long as they comply with the police regulations of the other Party in respect of buildings and public health."

Furthermore, I desire to state that the rights specified in the above paragraphs will be granted to American nationals immediately upon the establishment of relations between our two countries.

Finally, I have the honor to inform you that the Government of the Union of Soviet Socialist Republics, while reserving to itself the right of refusing visas to Americans desiring to enter the Union of Soviet Socialist Republics on personal grounds, does not intend to base such refusals on the fact of such persons having an ecclesiastical status.

I am [etc.]

MAXIM LITVINOFF.

MR. AIKEN. Mr. President, after listening to the debate, I am beginning to get a little worried for fear that the debate will result in the compilation of two lists of Senators—one a list of those who love or at least trust the people of the Communist world, and the other

made up of Senators who hate every Communist ever born, and will continue to hate them until they die, and who insist that America will be destroyed if we have anything to do with them.

In making up lists of those who would establish closer relations with Eastern Europe, and those who would do everything possible to destroy the governments of Eastern Europe, I find that there would be some rather unusual bedfellows.

On last October 20, it appears that 24 U.S. executives visited Eastern European countries, to seek to stimulate trade and to establish better feelings between Eastern Europe and the United States. I think we ought to know who these 24 business people were.

The expedition was organized by the late Henry Luce and his associates of Time magazine. At the time, the press noted that it was expected they would be received by heads of state and other officials. They were. They were wined and dined, and well treated, as I understand it, during their trip to Eastern Europe.

The first member of that group of businessmen mentioned in the report of October 21, 1966, is John L. Loeb, senior partner of Carl M. Loeb, Rhoades & Co. He said he was confident the trip could definitely further the administration's recently stated policy of increasing trade with Eastern Europe. The delegation, he said, planned to explore possibilities of expanding financial and commercial relations, and to develop better understanding of American industry.

Mr. President, the list of the executives who went on that trip intrigues me. In addition to Mr. Loeb they included the following:

John L. Atwood, president, North American Aviation, Inc.; Eugene N. Beesley, president, Eli Lilly & Co.; James H. Birger, chairman, Honeywell Inc.; William Blackie, chairman, the Caterpillar Tractor Co.; Edgar M. Bronfman, president, Joseph E. Seagram & Sons, Inc.; Joseph F. Cullinan 3d, president, Philip Morris Inc., and Russell DeYoung, chairman, the Goodyear Tire & Rubber Co.

Also A. P. Fontaine, chairman, the Bendix Corp.; Henry Ford II, chairman of the board of the Ford Motor Co.; Keith Funston, president of the New York Stock Exchange; Gordon Grand, president, Olin Mathieson Chemical Corp.; John D. Harper, president of the Aluminum Company of America; Robert E. Ingersoll, chairman, the Borg-Warner Corp.; George A. Murphy, chairman, Irving Trust Co.; Robert S. Oelman, chairman, National Cash Register Co.; Frank Pace Jr., president, International Executive Service Corp., and S. Warner Pach, president, Gillette Safety Razor Co.

Also Henry R. Roberts, president, Connecticut General Life Insurance Co.; Willard F. Rockwell Jr., president, Rockwell-Standard Corp.; C. William Verity Jr., president, Armco Steel Corp.; Leslie H. Warner, president, General Telephone & Electronics Corp.; Rawleigh Warner Jr., president, Mobil Oil Corp., and Kendrick R. Wilson Jr., chairman, Avco Corp.

In addition, there were traveling with those people Dr. Alexander Heard, chan-

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cellor of Vanderbilt University, and Whitney Young, Jr., executive director of the National Urban League.

It may be said that this group traveled only to Hungary, Rumania, Czechoslovakia, Poland, and Yugoslavia. While that is true, Mr. Auer at that time pointed out that they had made two similar trips in the past, one to the Soviet Union in 1963 and another to southeast Asia—where there is a war going on now—in 1965.

All the participants paid their own way. The story will be found on pages 106 to 108 of the transcript of hearings on the consular treaty.

What puzzles me is are all these well-known businessmen, each of them heads of billion-dollar corporations, sympathetic to communism, or are they distrustful of the form of government which we have had here in the United States, which has permitted them to become the heads of billion-dollar corporations? It all does not make sense.

Of course, they went over there to make more business for themselves. In order to do that, they had to establish more friendly relations with these countries of Eastern Europe.

I just hope that when the lists are made of the people who sympathize with communism, or trust it, and those who hate it from the day they are born until the day they die, the names of these gentlemen will not be included in the list of sympathizers.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I understand that the yeas and nays have been asked for and ordered on the pending amendment, the amendment of the Senator from Georgia.

The PRESIDING OFFICER. The Senator is correct.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 30-minute time limitation on the pending amendment, the time to be divided equally between the distinguished Senator from Georgia [Mr. TALMADGE] and the Senator from Montana [Mr. MANSFIELD].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. MANSFIELD. Mr. President, in the absence of the distinguished chairman of the Committee on Foreign Relations, who is absent on official business at this time, I would like to make a few brief remarks in his behalf, and in my behalf as well, on Executive Amendment

No. 1 as proposed by the Senator from Georgia [Mr. TALMADGE] yesterday.

The effect of the amendment would be to change the provisions in the convention which grant unrestricted immunity from the criminal jurisdiction of the receiving State to the consular officers and employees of the sending State in two respects. First, consular employees would no longer have any immunity from criminal jurisdiction. Second, consular officers, as distinguished from employees, would have immunity only for misdemeanors, but not for felonies.

May I raise this hypothetical question: Suppose there were an American official in the Embassy at Moscow. He would have diplomatic immunity, which would give him unrestricted immunity from criminal jurisdiction. But what would happen to him, if this amendment were agreed to, if he were transferred to a consulate in the Soviet Union? He would lose his unrestricted immunity and would be immune only for misdemeanors.

I do not see why there should be a difference between the protection enjoyed by a consular official and that enjoyed by a diplomatic official, especially in view of the fact that three decades ago we joined the two so that we now have a combined diplomatic and consular service in this country.

Mr. President, I believe that this amendment should be opposed for the following reasons.

In the first place, the amendment would make it impossible for the United States to open a consulate in the Soviet Union because, as the Department of State has stated in a memorandum which appears on page 138 of the hearings on the convention:

We would not send American officials or clerical employees to serve in the U.S.S.R. without this protection.

The memorandum makes it clear that the protection referred to is full immunity from criminal jurisdiction for both consular officers and consular employees and I am talking about American consular officers and American consular employees. This point is emphasized in a letter received today by Senator FULBRIGHT, chairman of the Committee on Foreign Relations, from the Assistant Secretary of State for Congressional Relations in which he stated:

Secretary Rusk has stated and I would like to repeat that we would not open a consulate in the Soviet Union, and send our consular officers and employees to such an office, without the protection of full criminal immunity.

In the second place, I understand that the Soviets would be unwilling to renegotiate the convention if Senator TALMADGE's amendment were agreed to, so that, in effect, the amendment would kill the treaty. The Assistant Secretary of State's letter to which I have referred previously said:

In our judgment an attempt at renegotiation would be fruitless and would result in there being no treaty.

As I have said before, I am convinced that the treaty is in the national interest and would naturally be opposed to any amendment which would result in there being no treaty.

In the third place, I would like to point out that the treaty was submitted to the Senate on June 12, 1964, and then referred to the Committee on Foreign Relations. It has thus been before the committee for almost 3 years. There has been ample time, therefore, to submit amendments and reservations to the treaty.

Amendments and reservations should have been proposed while the treaty was under active consideration in the committee so that they could be examined thoroughly. In a matter as delicate and complicated as the convention we are considering, amendments should not be made in haste, at the last minute, and without serious consideration. The fact that an amendment is proposed at the final hour indicates to me that the true intent of the amendment is to defeat the treaty.

Finally, Mr. President, while none of us certainly wishes to denigrate the power of the Senate to amend a treaty or to attach reservations to it, the fact is that amendments or reservations require a majority vote, while advice and consent to ratification requires a two-thirds vote. When an amendment or reservation is proposed that is of such importance that it involves the life or death of the treaty, the effect of such an amendment or reservation is to make the two-thirds rule ineffective and to substitute for it a majority vote.

I ask unanimous consent to include in the RECORD a letter to the chairman of the committee, dated March 9, 1967, from William B. Macomber, Jr., Assistant Secretary of State for Congressional Relations.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., March 9, 1967.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have been asked by the Secretary to reply to your letter of March 8, 1967 which requests our view on the amendment proposed by Senator Talmadge to the Consular Convention between the United States and the Soviet Union.

This amendment is, in effect, a demand for renegotiation of the Convention in such a way as to alter fundamentally the nature of Article 19, concerning the immunity of consular personnel from criminal jurisdiction. In our judgment an attempt at renegotiation would be fruitless and would result in there being no treaty. As Secretary Rusk has emphasized previously, we consider this treaty essential to obtaining rights we need for the protection of Americans travelling in the Soviet Union.

Moreover, we consider the immunity provisions as they are now set forth in Article 19 of the Convention to be in the best interest of the United States.

The adverse effect of this amendment would be twofold. It first would substitute for the full criminal immunity provision of Article 19(2) language often used in our earlier consular conventions, which in effect grants immunity to consular officers from the local jurisdiction only for misdemeanors. The second effect of this amendment would be to deny any immunity whatsoever to consular employees.

The Department of State strongly opposes this amendment. The matter of full immunity from Soviet criminal jurisdiction for

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our consular officers and employees is one of the important benefits of this Convention for the United States. Secretary Rusk has stated and I would like to repeat that we would not open a consulate in the Soviet Union, and send our consular officers and employees to such an office, without the protection of full criminal immunity. The purpose of Article 19(2) is to protect our consular personnel from arbitrary Soviet pressures, whether they are motivated by the purpose of retaliation or otherwise.

If I can be of any further assistance to you, please let me know.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.
Assistant Secretary for Congressional Relations.

Mr. PASTORE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I yield myself 1 minute.

Mr. PASTORE. Is it not fair to assume that, regardless of how one feels about this consular treaty, whether he is for it or against it, this amendment would be to the disadvantage of American nationals?

Mr. MANSFIELD. The Senator is correct.

Mr. PASTORE. They would be required to go to Russia and live in a closed society, whereas other nationals would come to this country in an open society.

Mr. MANSFIELD. The Senator is correct.

The protection we seek in this treaty for our consular officials would be done away with if a U.S. consulate were established in the Soviet Union. Under this treaty, however, so far as Soviet employees in a consulate in this country are concerned, they would continue to be given the full benefit of American law and protection of the Constitution. The treaty would not deprive them of this benefit and protection but our people in the Soviet Union would receive the same treatment that a Soviet citizen receives.

Mr. PASTORE. Also, in the case of a felony committed in our country, an individual is entitled to a hearing before a grand jury, before he is indicted and before he is brought to trial, and he must be given a trial by his peers. But now, by a reciprocal agreement, if we invoke this restriction as against, let us say, Russia, and we allow our nationals to go there and not have immunity in the case of a felony, they would not be entitled to grand jury hearings, they would not be entitled to an indictment, they would not be entitled to a judgment by their peers.

It occurs to me that while there may be a certain connotation to this amendment which would show that we do not want these Russians to come to this country and to be immune in the case of a felony, we are forgetting the reciprocity involved, which would outweigh the disadvantage experienced by American nationals serving in a U.S. consulate in Russia, who would be placed in a prejudiced position.

Mr. MANSFIELD. This feature should be of interest: If the Russians abuse the immunity provision of the

convention, we may terminate the agreement on 6 months' notice, under article 30.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. AIKEN. I call attention to one example where the adoption of this amendment would be very much to the disadvantage of the United States.

The senior Senator from Rhode Island will recall that when we were in Moscow 3 years ago, we were very pointedly advised that photographing a bridge is a crime in Russia, whereas in the United States, you can photograph 10,000 bridges, and still it is not a crime. In many other instances, an action would be considered a crime in Russia which would be considered a misdemeanor or no violation at all in the United States.

If we adopt this amendment, we would forgo the protection for our people who go to Russia—protection which is afforded to Russians who come to the United States.

Mr. MANSFIELD. Mr. President, I shall yield myself 1 minute, and I wish to reserve the remainder of my time.

So far as I am concerned, the most important feature about this treaty is that it protects Americans in the Soviet Union—tourists as well as consular officials and employees. That is a feature we should always keep in mind.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I would rather withhold my time. Does the Senator desire 1 minute?

Mr. ALLOTT. A parliamentary inquiry—

Mr. MANSFIELD. I yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes.

Mr. ALLOTT. Mr. President, I was not aware, at the time I left the floor, that a unanimous-consent agreement on time had been given.

I wish to join generally in the statement made by the distinguished majority leader and in the colloquy with the Senator from Rhode Island and the Senator from Vermont.

I have studied this matter interminably, as have many Senators, and at the moment I am not prepared to commit myself as being either for or against the Consular Convention.

As I view the Consular Convention, three arguments can be made in favor of it: one, the protection of our tourists and businessmen who go to Russia; two, the protection of the consulate and its employees; and, three, what other benefits may come from the establishment of a consulate in the Soviet Union.

It is my view of this matter that if we were to adopt this amendment, the Senate might just as well stop considering the Consular Convention, because if we would derive one thing from it, it would be the protection of our own people in the Soviet Union.

To put the matter another way, it would be unthinkable that we would send people to a consulate in the Soviet Union and make their immunity apply only to what is

recognized as a misdemeanor in this country.

I am not prepared at this moment to make a commitment on the convention; but if we are to receive anything from the convention, we must have complete immunity as a part of it. Therefore, I urge Senators not to vote for this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. I yield myself 5 minutes.

Most of the debate today on the Consular Convention has centered around the merits and demerits of the treaty. I agree that the treaty does have some advantages. I agree that under certain conditions it ought to be ratified by the Senate. But let us keep the real issue in perspective. If Senators will turn to page 10 of the message from the President of the United States transmitting the convention, they will find that article 19, paragraph 2, reads:

Consular officers and employees of the consular establishment who are nationals of the sending state shall enjoy immunity from the criminal jurisdiction of the receiving state.

Mr. President, this is the first consular convention in the entire history of the Republic in which total immunity has been granted to consular officers. In 1790, during the administration of President Washington, immunity was granted to embassy officers or officials who are located in the capital of the receiving state and who are dealing with the day-to-day diplomatic questions that affect their countries. But never before in the history of our Republic have we granted immunity to consular officers.

Who are the consular officers and employees? They are persons who are located in Atlanta, Ga.; in Providence, R.I.; in Cleveland, Ohio; in Jacksonville, Fla.; and who are there to deal with economic matters so as to promote the interests of their countries.

This convention proposes to give them the same immunity that ambassadors and members of ambassadorial staffs have.

Note that the language is "consular officers and employees." The immunity that would be granted is absolute, complete, and total. It would affect the criminal laws of all 50 States and every criminal statute of the entire United States of America.

How broad is this provision? It is broad enough so that a janitor in a consular office could assassinate a President of the United States, and what would be his punishment? All we could do would be to bid him farewell. We could not punish him, but only bid him farewell. We could declare him to be persona non grata.

Mr. PASTORE. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I yield.

Mr. PASTORE. But in terms of reciprocity, if we sent one of our nationals to the Soviet Union and he were accused of assassinating Kossygin, he would have as much immunity there as a Russian would have immunity here.

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The point that I make is that whatever we give, we receive, as well. If I were to be tried for a crime or were to be accused of a crime in Russia—

Mr. TALMADGE. I am not prepared to yield for a speech. I am speaking on limited time.

Mr. PASTORE. Would not the Senator agree that if I were to be accused of a crime, I would rather be accused in the United States than I would in Moscow?

Mr. TALMADGE. I will agree with that; certainly.

Mr. PASTORE. If I were—

Mr. TALMADGE. I do not yield for a speech. The contention of the Senator from Rhode Island is absolutely correct. But I would point out that the U.S. embassy officials and consular officers of the United States of America do not go to other countries to engage in criminal activity or in treason. Crime is not an instrument of policy of the United States of America. Crime is an instrument of policy of the Soviet Union.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. TALMADGE. I will yield for a question only.

Mr. PASTORE. Yes. Is it not true that although our embassy personnel may not go to Russia with that motive, they could be charged wrongly with that activity, and that that is what we are trying to protect them against?

Mr. TALMADGE. The Senator is correct, but I do not agree that after almost 200 years of the history of our Republic we should select the Soviet Union for this grant of total and complete immunity. For the record shows that they have used every one of their offices, whether embassy or consular offices, for espionage and subversion. I am not in favor of granting such complete and total immunity to the Soviet Union.

Under our most favored nation provision every other country on the face of the earth that had a provision that that contained the most favored nation treatment could request complete immunity if we sign this convention.

Imagine what it would mean to have consular officials of the Soviet Union throughout Latin America and throughout the world with total and complete grants of immunity. They would have a license to engage in espionage worldwide.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TALMADGE. Mr. President, I yield myself 5 additional minutes.

I do not need to tell the Senate the long history that the Soviet Union has had in this country, with us expelling their embassy officials for espionage.

As a matter of fact, in 1948, Russian consular officials were forcibly holding Oksana Kasenkina, a refugee, against her will in the New York consulate office and in order to escape she was forced to jump from the third floor of the consulate.

When they did that, we expelled their consular general and they closed their three consulate offices in the United States.

In conclusion, I wish to say that I am not trying to kill this treaty. It has

many provisions which I think are desirable, but I cannot, for the life of me, understand why we should grant total, complete, and absolute immunity. These consular officers would be scattered throughout the United States, could assassinate, murder, torture, commit treason, and rape with absolute impunity. All that we could do would be to declare them to be persona non grata and send them home.

I think that the amendment should be agreed to.

Mr. MANSFIELD. Mr. President, will the Senator yield me 3 of his minutes?

Mr. TALMADGE. I yield 3 minutes to the Senator from Montana.

Mr. MANSFIELD. I yield 2 of those minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I would rather vote against the treaty than accept this amendment and vote for the treaty with the amendment in it.

Russia could pass a law tomorrow saying that whoever goes by Lenin's tomb and does not genuflect is guilty of a felony. That passerby could be an American and he could be tried under Russian law, and he could go to jail for 10 years under Russian law, and there is nothing we could do about it.

The reciprocity that it is involved should be considered. It is true that we are taking a risk by giving immunity to all Russian nationals who are sent here and that our only alternative would be to send them back to Russia persona non grata.

At the same time it must be realized that we are receiving as much as we are giving; and we are giving protection to Americans who go there and could be charged under Russian law with a felony under circumstances that we in this country would consider ridiculous.

We are buying safety for Americans who go to Russia. That is why I am against this amendment.

The statement of the Senator from Georgia is true when he said that they could come here, commit murder, and have immunity; but by the same token we could go there and have immunity. The argument is made that we do not go there for that murderous purpose. That is true, but we could be charged with that purpose, and that is what we are trying to protect our nationals against.

As far as being treated in an open society as an American as against being treated as an American in a closed society, like Russia, I would take my chances on this immunity and say that it is to the advantage of American nationals.

Mr. MANSFIELD. Mr. President, I yield myself the remainder of the time.

Mr. President, reference has been made to the Kasenkina case. She was not a refugee. She was an employee of the Soviet consulate in New York.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. TALMADGE. But she was trying to escape and get asylum.

Mr. MANSFIELD. Yes, but she was an employee of the Soviet consulate there, teaching officials of the consulate.

If that had been an American consulate in the Soviet Union, and the same thing had happened there, I would have wanted the officials of the American consulate to go down and act in the same way in the Soviet Union that the Russian officials acted in New York.

Mr. President, a great deal has been said about the grant of unrestricted immunity from criminal jurisdiction to consular officers and employees. May I repeat at this point a portion of the remarks made by the distinguished Chairman of the Committee on Foreign Relations on the floor of the Senate on March 7. He said:

This provision is a new departure for the United States. In other consular conventions to which the United States is a party, such immunity has applied only to misdemeanors and not to felonies.

On the other hand, as far as diplomatic immunity is concerned, nations observe an even broader immunity which extends not only to criminal jurisdiction but to civil jurisdiction as well and also applies to the families of diplomatic officers. Our diplomats in the Soviet Union, and indeed all over the world, have such immunity, as do all foreign diplomats, including Soviet diplomats here.

In other words, this convention brings the protection which those working in consulates enjoy more closely into line with the protection those working in embassies have....

But those who are concerned about the immunity provision in this convention are not interested in the disappearing distinctions between diplomatic and consular immunities. Their interest in the immunity provision is a result of their fear of espionage.

They see a danger in the immunity provision because if a Soviet intelligence officer assigned to a Soviet consulate in the United States were to commit espionage he could not be prosecuted. Like any Soviet official assigned to the Soviet embassy in Washington who committed espionage, he could only be expelled.

It is a fact of life—an unpleasant fact, to be sure—that all of those assigned to foreign embassies and consulates in the United States and all of the Americans assigned to our embassies and consulates abroad are not what they appear to be.

Some are not career diplomatic and consular personnel but intelligence officers. The Soviets use embassies and consulates for intelligence purposes as do other countries including the United States. Perhaps in a gentler age this may not have been true, but it is the case in the world today. In this sense, there is a common interest involved, for I gather that both we and the Soviets would prefer to have our intelligence officers expelled rather than imprisoned.

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

Section 2 of article XIX was inserted in the treaty at the express and urgent demand of the Soviet Union.

This is the first time in the history of our Republic that it has ever made a consular convention with any country at a time when the Soviet Union is furnishing supplies to maim and kill half a million Americans in southeast Asia.

It strikes me as being a most inopportune time to grant a proposal of total, absolute, and complete criminal immunity to the Soviet Union. It will be the only nation on the face of the earth to whom such a provision will have been granted.

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What has happened since we made this convention with the Soviet Union?

A similar consular convention was negotiated with Great Britain. What happened?

Something happened to a British officer named Burke in the Soviet Union, and the British have not yet ratified the consular convention.

A similar consular convention was negotiated with Japan. The Japanese have not yet ratified this convention.

This is the first convention with any nation on the face of the earth, coming before the Senate this afternoon, to grant total, complete, and absolute criminal immunity to a Soviet consular officer and his staff, even to the janitors.

Mr. President, I do not believe that the Senate should be stampeded into any such position, despite the proposal of the State Department that they never want anything which they handle changed in any way.

They do not realize that the responsibility on the Senate constitutionally is to advise and consent.

That is what I am seeking to do here today, to advise and consent.

I am seeking to advise the State Department that it should not give janitors in consular offices in the Soviet Embassy freedom to assassinate the President of the United States, and then our only recourse would be to bid him farewell when we send him back to the Soviet Union.

Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, will the Senator from Georgia yield briefly?

Mr. TALMADGE. I yield.

Mr. MANSFIELD. What the distinguished Senator from Georgia has said about the Japanese and British consular conventions is correct. What the Senator did not say was that those consular conventions, if and when ratified, will extend far beyond the convention now before the Senate, because it is my understanding—and I stand subject to correction—that it includes families of consular officers as well.

Mr. TALMADGE. I do not know. I would accept the Senator's word. He is on the committee, and I am not.

Mr. MANSFIELD. Let me say that in response to the question inherent in the—

The PRESIDING OFFICER. The Chair interposes to ask the Senator from Georgia whether he will withhold his request to yield back the remainder of his time.

Mr. TALMADGE. Yes, Mr. President, I do.

Mr. MANSFIELD. Let me say to the Senator from Georgia, first, that I am deeply grateful to him for his customary courtesy and consideration. The question inherent in this body on voting was raised in committee. In reply to a question raised by the Senator from Ohio [Mr. LAUSCHEL], here is Secretary of State Rusk's answer:

Because when we look at this proposal—

Full immunity, that is—and look at the reciprocal advantages itself for having the same arrangements for our people in the Soviet Union, we felt that this would be a constructive thing to do from the

point of view of our own interest; otherwise, we would have said no, let us not have any consular convention.

Thus, I think this is an important question which has been discussed in part in the committee.

Mr. TALMADGE. If the Senator will yield at that point, I am not trying to say that the Soviet Union should not have consular officers in this country. I merely say that they and their staffs and employees should not have total and absolute criminal immunity.

Mr. MANSFIELD. But the Senator would agree that this is a reciprocal proposal which would apply to our people in the Soviet Union on the same basis, would he not?

Mr. TALMADGE. It applies to both, but the Soviets use crime, torture, assassination, and treason as instruments of national policy. Our Government does not.

Mr. MUNDT. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. Mr. President how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. TALMADGE. I am happy to yield 1 minute to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 1 minute.

Mr. MUNDT. In support of the persuasive arguments made by the Senator from Georgia, let me say that it would be a terrific indictment of the State Department and our negotiators if all the advantages attributed to this kind of immunity actually obtained as described by the Senator from Rhode Island [Mr. PASTORE], because our negotiators did not ask for them. They were forced on us by the Russians. Thus, if, in fact, all these benefits will accrue, I think that we must look at the whole treaty with a jaundiced eye because our negotiators badly let us down. During years of negotiation, they never asked for this immunity until, finally, they yielded to pressure by the Soviets, and they put it in.

Quite obviously, the Soviets must feel that there is some advantage to be gained here, or they would not have insisted on it.

The PRESIDING OFFICER. All time has now expired.

Mr. PASTORE. Mr. President, will the Senator from Georgia yield?

The PRESIDING OFFICER. All time on the amendment has now expired.

The question is on agreeing to the amendment.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant clerk proceeded to call the roll.

Mr. LONG of Louisiana. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Maryland [Mr. BREWSTER], the Senator from New York [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], and the Senator from Mississippi [Mr. STENNIS] are absent on official business.

I also announce that the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Ohio [Mr. LAUSCHEL], the Senator from Florida [Mr. SMATHERS], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Washington [Mr. MAGNUSON], the Senator from Oregon [Mr. MORSE], and the Senator from Ohio [Mr. YOUNG] would each vote "nay."

On this vote, the Senator from Nevada [Mr. CANNON] is paired with the Senator from New York [Mr. KENNEDY]. If present and voting, the Senator from Nevada would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Ohio [Mr. LAUSCHEL] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from Ohio would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Mississippi [Mr. STENNIS] is paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from Mississippi would vote "yea," and the Senator from Louisiana would vote "nay."

Mr. KUCHEL. I announce that the Senator from Massachusetts [Mr. BROOKE], the Senator from Kentucky [Mr. COOPER], and the Senator from Wyoming [Mr. HANSEN] are absent on official business.

The Senator from Illinois [Mr. DIRKSEN] is absent because of illness.

The Senator from Colorado [Mr. DOMINICK], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

If present and voting, the Senator from Massachusetts [Mr. BROOKE], the Senator from Kentucky [Mr. COOPER], the Senator from Illinois [Mr. DIRKSEN], and the Senator from Colorado [Mr. DOMINICK] would each vote "nay."

The result was announced—yeas 26, nays 53, as follows:

	[No. 58 Leg.]	YEAS—26	NAYS—53
Bible	Gruening	Mundt	
Byrd, Va.	Hill	Murphy	
Byrd, W. Va.	Holland	Russell	
Cotton	Hollings	Spong	
Curtis	Hruska	Talmadge	
Dodd	Jordan, Idaho	Thurmond	
Eatland	Long, La.	Tower	
Ervin	McClellan	Williams, Del.	
Fannin	Montoya		
Aitken	Hickenlooper	Moss	
Allott	Inouye	Nelson	
Anderson	Jackson	Pastore	
Barker	Javits	Pearson	
Bash	Jordan, N.C.	Pell	
Bennett	Kennedy, Mass.	Percy	
Boggs	Kuchel	Proxmire	
Burdick	Long, Mo.	Randolph	
Carlson	Mansfield	Ribicoff	
Case	McCarthy	Scott	
Church	McGee	Smith	
Fong	McGovern	Sparkman	
Fulbright	McIntyre	Symington	
Griffith	Metcalf	Tydings	
Harris	Miller	Williams, N.J.	
Hart	Mondale	Yarborough	
Hathfield	Monroney	Young, N. Dak.	
Hayden	Morton		

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NOT VOTING—21

Bartlett	Dominick	Magnuson
Brewster	Ellender	Morse
Brooke	Gore	Muskie
Cannon	Hansen	Prouty
Clark	Hartke	Smathers
Cooper	Kennedy, N.Y.	Stennis
Dirksen	Lausche	Young, Ohio

So Mr. TALMADGE's amendment was rejected.

The PRESIDING OFFICER. Are there further amendments?

If there are no further amendments, is there objection to the treaty being considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification?

Mr. MUNDT. Will the Chair yield for a parliamentary inquiry?

The PRESIDING OFFICER. The Senate will state it.

Mr. MUNDT. The Senate has always been so slow to legislate and so quick to ratify treaties that we are not as familiar with the rules on treaties as we are on legislation. So, although no Senator has suggested, to me at least, that he has other amendments to propose which are not in the form of reservations, I think it might be appropriate, Mr. President, if the Chair inquired now, while we have so many Senators present, whether there is anyone else who wishes to offer such an amendment.

The PRESIDING OFFICER. Are there further amendments to be offered?

Mr. MANSFIELD. Mr. President, since apparently there are no further amendments, it is my understanding that we must reach the point of presentation of the resolution of ratification before reservations become eligible for consideration.

The PRESIDING OFFICER. The Senator is correct. Reservations and understandings are not eligible for consideration until after the presentation of the resolution of ratification.

Mr. MUNDT. If we now agree that there are no further amendments, that will not prevent any Senator from later offering a reservation about which we may not have been informed up to this point?

The PRESIDING OFFICER. No further amendments would be in order. The Senator is correct, reservations would be in order.

Mr. MUNDT. That is why I suggested that the Chair inquire whether there were any further amendments. If there are not, I would see no objection to proceeding with the presentation of the resolution of ratification.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Is there any urgent need for obtaining this unanimous consent at this time? In deference to other Senators who may not be present, or who may wish time, overnight, to decide whether to offer an amendment, would it not be well, in the absence of urgent need, to defer this unanimous-consent request?

The PRESIDING OFFICER. The Chair has simply laid the question before the Senate, because reservations and understandings would not be in order

until a resolution of ratification has been presented and reported to the Senate. The decision as to whether to move to that stage is a matter of policy over which the Senate has control.

Mr. HRUSKA. Mr. President, I should just like to observe that if there is anyone who does wish to submit an amendment, he would be foreclosed from now on; this is a substantial right in a very important matter, and I just wonder if action on the unanimous-consent request could be delayed until a future time.

Mr. MANSFIELD. Mr. President, the purpose of the request was to follow the regular procedure which has been followed many times before. The question has been raised, and inquiries have been made privately among Senators. There has been no response to the question raised by the Presiding Officer, the distinguished Senator from Oklahoma, as to whether there were further amendments, and it would just be in the interests of orderly procedure to move forward. Nobody's rights are foreclosed. We have to reach this point before resolutions of reservations become eligible for consideration; and the Senator from Maine, the Senator from South Dakota, and others who have reservations and understandings pending or might wish to offer a resolution of reservation would be foreclosed from having such matters considered until this point is reached.

Mr. HRUSKA. With that explanation, Mr. President, I have no objection.

The PRESIDING OFFICER. There being no objection, the convention will be considered as having passed through its various stages up to and including the presentation of the resolution of ratification, which the clerk will now state.

The assistant legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Consular Convention between the United States of America and the Union of Soviet Socialist Republics, together with a protocol relating thereto, signed at Moscow on June 1, 1964 (Executive D, Eighty-eighth Congress second session).

Mr. MUNDT. Mr. President, for the information of the Senate, I have sent to the desk today two reservations, which will be printed and on the desks of Senators tomorrow morning.

I have been advised by the distinguished senior Senator from Maine [Mrs. SMITH] that she has sent to the desk today an amendment in the form of an understanding to the resolution of ratification, which will also be relevant, for consideration at this point, and which will be printed and on the desks of Senators tomorrow morning.

The PRESIDING OFFICER. What is the will of the Senate?

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, was communicated to the Senate by Mr. Ceisler, one of his secretaries.

INVESTMENT TAX CREDIT ON MACHINERY AND EQUIPMENT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 81)

The PRESIDING OFFICER. As in legislative session, the Chair lays before the Senate a message from the President of the United States on the investment tax credit on machinery and equipment. Without objection, the message from the President will be printed in the Record, without being read, and will be appropriately referred.

The message from the President was referred to the Committee on Finance, as follows:

To the Congress of the United States:
On September 8, 1966, I asked the Congress to suspend temporarily the 7-percent investment tax credit for machinery and equipment and the tax benefits of accelerated depreciation on buildings.

That suspension was specifically designed to relieve excessive pressure on the overheated capital goods industries and the resulting strain on our financial markets. My economic advisers and I believed that the measures then proposed would relieve the acute inflationary pressures of the capital boom on the capacity of our machinery producers, the supplies of skilled workers, interest rates, and the availability of credit for private homebuilding.

The Congress promptly enacted the legislation. The legislation provided for automatic restoration of these special tax provisions on January 1, 1968. At the time I signed the bill into law, I stated:

If . . . any earlier reinstatement would be appropriate, I shall recommend prompt legislative action to accomplish that result.

In enacting the law, the Congress and the administration assumed the obligation to terminate this selective fiscal restraint and restore these tax incentives as soon as changes in the situation justified such action. The reports to the Congress of both the House Ways and Means Committee and the Senate Finance Committee stated:

If military requirements in southeast Asia should decrease before January 1, 1968, or if for some other reason it should become apparent that suspension of the investment credit and suspension of the use of the

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accelerated depreciation methods with respect to buildings are no longer necessary to restrain inflation, the Congress can promptly terminate the suspensions. The Administration has also indicated that it would recommend terminating the suspension period before January 1, 1968, under such conditions.

In appearing before the Senate Finance Committee, the Secretary of the Treasury testified:

The Administration will be alert to any change in the situation and will be prepared to recommend terminating the suspension period before January 1, 1968, if a change in circumstances makes that at all possible, and I would hope that the Congress would, in turn, be willing to entertain such a recommendation.

When I signed the bill last fall, I listed clearly what my economic advisers and I expected the legislation to accomplish. I said it would help "restore more normal interest rates and ease tight money and credit conditions; free funds and resources for homebuilding and other essential uses; trim down excessive backlog of machinery orders; curb upward pressures on prices and costs of capital goods; guard against a needless repetition of the old pattern of boom and bust in capital spending; and improve our current balance-of-payments positions."

In the 6 months since Congress received the temporary suspension legislation it has already effectively done the job we hoped it would do.

INTEREST RATES

Since last September, aided by action of the Federal Reserve Board, interest rates have fallen dramatically: 3-month Treasury bills—down 22.2 percent; long-term Treasury securities—down 9.3 percent; new corporate Aa bonds—down 12 percent; new municipal bonds—down 15.1 percent.

FUNDS FOR HOMEBUILDING

Funds are again flowing into our thrift institutions. Savings and loan associations—our key mortgage lenders—accumulated funds at an annual rate of only \$100 million last spring and summer. Subsequent to our action last September, there has been a very sharp rise in their accumulation of funds. From October 1966 through January 1967, their accounts grew at an annual rate of \$8 billion.

Mortgage interest rates have started to come down, and new housing starts have now risen for the last 3 months in a row.

BACKLOGS OF MACHINERY ORDERS

Last September, new orders for machinery and equipment were 18 percent higher than a year earlier, and order backlog had grown 28 percent over that period. Order backlog for machine tools were particularly large.

Orders for machinery and equipment have declined steadily since September, by a total of 7 percent. Order backlog have leveled off, and in January actually declined for the first time since June 1963. For machine tools, backlog have fallen substantially, as shipments exceeded orders by 17 percent in December and January.

PRESSURES ON PRICES AND COSTS OF CAPITAL GOODS

The machine industry had been straining their capacity—running close to 100 percent of maximum use—in August 1966. Between August and January the average utilization rate of capacity has declined to a healthier and more efficient rate. For makers of electrical machinery, the decline is from 97 percent to 91.5 percent.

Acute shortages of skilled labor, that plagued the machinery industries last spring and summer, are gradually disappearing.

GUARDING AGAINST BOOM AND BUST

In 1965, plant and equipment spending rose 16 percent. In 1966, it rose 17 percent. That was an unsustainable pace. At that rate, the capital boom was headed for a bust. Now, the latest survey of investment plans for 1967, conducted by the Department of Commerce and the Securities and Exchange Commission, shows a modest increase of less than 4 percent. That is a sustainable pace of advance.

BALANCE OF PAYMENTS

During the first three quarters of 1966, imports of capital equipment soared an average of 14 percent a quarter. In the fourth quarter of 1966 the rise was only 3.9 percent, and this partly reflected deliveries against earlier orders. Now that domestic producers can take care of domestic demands, this extra drain on our balance of payments should be alleviated.

On the basis of this evidence, it is clear that the investment credit and accelerated depreciation, consistent with our promise and in justice to our society, should now be safely restored. Although the demand for capital goods continues to be strong and remain at record levels, my Council of Economic Advisers informs me that it no longer threatens to strain our growing ability to produce.

In fulfillment of the commitment made by this administration as well as the Congress at the time we asked that these tax incentives be suspended, and in accordance with the strong recommendations of my Council of Economic Advisers, the Secretary of the Treasury, the Secretary of Defense, and the Director of the Budget, I recommend immediate and prompt reinstatement of the 7-percent-investment tax credit and accelerated depreciation.

I recommend restoration of these incentives effective today, the date on which legislation will be introduced in the Congress.

I urge the Congress to act promptly on this legislation without delay so that there will be no uncertainty or doubt in our free enterprise community.

In doing so, the Congress and the administration can show the country and the world once again that we can and will work together for stable prosperity in our growing and free economy.

LYNDON B. JOHNSON.

THE WHITE HOUSE, March 9, 1967.

Mr. CARLSON. Mr. President, I commend the President of the United States for the action he has just taken on the 7-percent-investment tax credit and accelerated depreciation.

I have not read the message, but I understand that it will restate the legislation after a certain date.

I stated last fall that this was an unfortunate move to be taken by the administration and Congress. I have prepared a speech on the matter and a bill for introduction this week to reinstate the investment credit and accelerated depreciation at the earliest possible date.

Mr. President, I ask unanimous consent, as in legislative session, that my speech and a copy of the bill that I had expected to introduce be printed at this point in the RECORD.

There being no objection, the speech and the bill were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CARLSON

The senior Senator from Kansas was one of the staunchest advocates of the investment tax credit which was enacted into law as part of the Revenue Act of 1962. I felt that the investment credit was an essential element in any program to stimulate modernization of U.S. industry and to equalize competition between U.S. products and those of foreign manufacturers.

The tremendous aid and assistance programs of the United States after World War II brought a rapid reconstruction of the war-devastated economies of the major industrial countries in Europe and of Japan. With U.S. money and technical assistance, foreign industries were able to modernize to a point where they far surpassed our own companies in newness of equipment and buildings.

As a result, U.S. products suffered in competition in the world market and our balance of payments suffered accordingly.

To redress this situation, the investment credit, a credit against taxes equal generally to 7 percent of the cost of the new investment, was adopted and was to be of great benefit to U.S. business, stirring a new era of modernization and technological change. However, mounting inflationary pressures in 1965 and 1966 prompted the Johnson Administration to propose a suspension of the investment credit along with a suspension of the methods of accelerating depreciation of property. The suspension of the investment credit and accelerated depreciation was advocated by the Administration as necessary to dampen these inflationary pressures. From the moment the suspension of these tax incentives was first proposed, I expressed my opposition to it. I voted against the suspension bill in the Senate Finance Committee and on the Senate floor. My opposition to the measure was predicated on several grounds.

First of all, when the investment credit became law in 1962, assurances were given to business that it was to be a permanent part of our tax structure, that it was not to be used as a spigot to be turned on and off as the economic situation of the day demanded. But the Administration did not keep its word. At the end of last summer, the President decided the incentives must be suspended. I believe that when any segment of the American public relies on the Government's assurance that a specific policy will be maintained, the Government has a moral obligation to keep that policy in effect.

Further, though, I thought the suspension would not do what the Administration